Review Committee on Indian and Metis
Adoptions and Placements

Final Report
to
The Honourable Muriel Smith
Minister of Community Services

NO QUIET PLACE

Associate Chief Judge Edwin C. Kimelman
Chairman

1985

Manitoba
Community
Services

There is no quiet place in the white man's cities......like a man dying for many days, he is numb to the stench.

Sealth, A Dumamish Chief, 1865

ACKNOWLEDGEMENTS

This Report deals with child welfare matters that have been the subject of only casual enquiries. There is a paucity of published material on these sensitive issues. What follows is an attempt to show many of the problems that existed between diverse cultures in the Province of Manitoba.

Initially I acknowledge the works of the numerous authors of Indian studies and Native issues, and the Report leans heavily at times on findings made or problem areas discovered in these studies. It becomes difficult at times to distinguish between perceptions unconsciously recalled from those studies and the final thoughts of the author that may appear as recommendations.

Appreciation is extended to clerical staff and in particular Joanne, who patiently typed the numerous drafts and revisions.

Credit is extended to those members of the advisory committee who assisted in the task that was at the best of times arduous and consuming.

Credit is also extended to Victor Toews, who as counsel assisted and advised in numerous key areas in his usual keen and efficient manner.

Finally and most importantly my sincere heartfelt thanks and gratitude to Norma Dietz, my assistant. While the chairman may have contributed some of the ideas and recommendations contained in the Report, it is the work of Norma that deserves any credit that is given. She was responsible for the administration of the study, the compilation of the material, the writing of the Report, and had the onerous task of keeping the chairman to his appointed

role. Whenever your chairman was inclined to deviate and explore yet another facet of the child welfare system or the Indian culture, it was Norma who soon had me back on track again. My thanks and appreciation go out to her. My only regret is that this Report (should it find some favor), will be referred to as the Kimelman Report, when more aptly it should be referred to as her Report.

Any errors or omissions are my sole responsibility.

E.C. Kimelman, Chairman

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REVIEW COMMITTEE ON INDIAN AND METIS ADOPTIONS AND PLACEMENTS

EXECUTIVE SUMMARY

In early 1982, the Native* community of Manitoba objected strenuously to the fact that children of Native ancestry were being placed for adoption in non-Native homes in the United States and in other provinces of Canada. Associate Chief Judge E. C. Kimelman was appointed to examine this issue and to recommend action.

A series of reports have previously been submitted to the Minister of Community Services. This report is based on

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**It was difficult to decide on terms for this report. Generally accepted definitions are included in Chapter V. There was consideration given to "Treaty Indian/non-Treaty Indian/Metis" but this seemed awkward and stilted. The term "aboriginal" was used until this was objected to by Metis persons who view themselves as neither aboriginal nor European but as a unique cultural group combining characteristics of both. Therefore, for purposes of this report, the term Indian is used when referring to persons who are entitled to be registered as Indians under the Indian Act. The term Metis is used to refer to individuals who have Indian ancestry but are not entitled to be registered as Indians. The term Native is used when referring to Indians, non-status Indians, and Metis persons collectively. The capitalized N is used intentionally to differentiate between persons with Indian ancestry and native Canadians who are persons of any ancestry born in Canada.*

information gained from public hearings, special hearings, written submissions, interviews with all child care agencies, examination of adoption files, interviews with selected group homes and organizations, and from examination of the relevant literature.

RECOMMENDATIONS

RECOMMENDATION 1. (page 3)	THE CHAIRMAN RECOMMENDS THAT ACCOUNTABILITY BE BUILT INTO THE CHILD WELFARE SYSTEM THROUGH THE PROVISION OF GENERAL AND SPECIFIC TRAINING AND EDUCATION IN THE AREA OF CULTURAL AWARENESS, THROUGH THE INTRODUCTION OF POLICIES AND SERVICES TO GUARANTEE THE PROTECTION OF THE LEGAL RIGHTS OF ALL PARTIES, THROUGH THE DEVELOPMENT OF STRUCTURES WHICH WILL ENSURE THE PARTICIPATION OF CITIZENS, THROUGH THE ESTABLISHMENT OF PROGRAM STANDARDS AND REGULAR PROGRAM EVALUATIONS TO ENSURE THAT CHILD CARE AGENCIES ARE FULFILLING THEIR MANDATED RESPONSIBILITIES, AND THROUGH THE CONDUCT OF APPROPRIATE RESEARCH TO ENSURE SERVICE PATTERNS ARE ADAPTABLE TO CHANGING NEEDS AND THAT PROFESSIONAL INTERVENTION TECHNIQUES ARE EFFECTIVE.
RECOMMENDATION 2. (page 27)	THE CHAIRMAN RECOMMENDS THAT A CHILD PROTECTOR'S OFFICE BE ESTABLISHED, RESPONSIBLE TO THE LEGISLATURE, TO ENSURE THAT ALL CHILDREN COMING BEFORE THE

COURTS AND THOSE INVOLVED IN THE CHILD CARE SYSTEM HAVE THEIR INTERESTS PROTECTED, TO GUARANTEE THAT ALL PARTICIPANTS IN CHILD WELFARE CASES COMPREHEND THE PROCEEDINGS, TO RECEIVE AND INVESTIGATE COMPLAINTS ABOUT THE CHILD WELFARE SYSTEM, TO ACT AS ARBITRATOR WHEN REQUIRED, AND TO TAKE WHATEVER ACTION MIGHT BE NECESSARY TO PROTECT THE CHILDREN OF THE PROVINCE AND TO PROTECT THE INTERESTS OF SUCH CHILDREN.

RECOMMENDATION 3.
(page 32)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE THE REQUIREMENT THAT A CHILD'S CULTURAL HERITAGE BE CONSIDERED IN THE DETERMINATION OF ANY PLAN FOR THE CHILD.

RECOMMENDATION 4.
(page 33)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE CONSIDERATION OF A CHILD'S RELATIONSHIP TO SIBLINGS.

RECOMMENDATION 5. (page 34)	THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION RELATED TO THE POST ADOPTION REGISTRY BE AMENDED TO PROVIDE FOR REUNIFICATION OF SIBLINGS.
RECOMMENDATION 6. (page 38)	THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO REQUIRE THAT THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE NOTIFIED OF ANY INDIAN CHILD COMING INTO THE CARE OF ANY CHILD CARE AGENCY AND FURTHER, THAT "PROTOCOLS" BE ESTABLISHED BY REGULATION.
RECOMMENDATION 7. (page 46)	THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE RESPONSIBLE FOR ENSURING THAT IN EVERY CASE INVOLVING THE CUSTODY OF A CHILD (CHILD WELFARE, CRIMINAL OR DIVORCE) THAT LEGAL COUNSEL IS ASSIGNED TO REPRESENT THE SPECIFIC INTERESTS OF THE CHILD IN THE PROCEEDINGS SUBJECT TO THE LAW RESPECTING APPOINTMENT OF COUNSEL BY GUARDIAN, NEXT FRIEND OR TRUSTEE.
RECOMMENDATION 8. (page 47)	THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR INITIATE DISCUSSION BETWEEN THE MANITOBA LAW SCHOOL AND THE MANITOBA

SCHOOL OF SOCIAL WORK TOWARD THE DEVELOPMENT OF A SOCIAL WORK/LAW DEGREE IN CHILD ADVOCACY.

RECOMMENDATION 9.
(page 47)

THE CHAIRMAN RECOMMENDS THAT IN THE INTERIM, THE CHILD PROTECTOR PROMOTE AND INSTITUTE LEGAL TRAINING FOR SOCIAL WORKERS AND SOCIAL WORK TRAINING FOR LAWYERS IN THE AREAS OF CHILD WELFARE AND FAMILY LAW.

RECOMMENDATION 10.
(page 47)

THE CHAIRMAN RECOMMENDS THAT, IN KEEPING WITH THE CHILD ADVOCACY FUNCTION, THE CHILD PROTECTOR ENSURE THAT ALL PARTIES BEFORE THE COURTS IN MATTERS INVOLVING CHILDREN (CHILD WELFARE, CRIMINAL OR DIVORCE) ARE PROVIDED THE SERVICES NECESSARY TO ENSURE AWARENESS OF THE ISSUES BEFORE THE COURT, THE PROCEDURES OF THE COURT, THE IMPLICATIONS OF THE PROCEDURES, AND THE POSSIBLE OUTCOMES OF THE PROCEDURES. THIS SHALL BE ACCOMPLISHED BY THE PROVISION OF INTERPRETERS, COURT COMMUNICATORS, AND PARAPROFESSIONALS.

RECOMMENDATION 11.
(page 51)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR, ON A REGULAR, SYSTEMATIC BASIS NOT LESS FREQUENTLY THAN EVERY SIX MONTHS, EXAMINE THE FILES OF ALL CHILDREN WHO ARE WARDS OF THE CHILD CARE SYSTEM TO ENSURE COMPLIANCE WITH LEGISLATED RESPONSIBILITIES.

RECOMMENDATION 12.
(page 51)

THE CHAIRMAN RECOMMENDS THAT, ON THE BASIS OF THE ABOVE, THE CHILD PROTECTOR IDENTIFY THOSE INDIVIDUAL CASES OR GROUPS OF CASES WHICH REQUIRE REVIEW BY THE COURT AND SHALL CAUSE SUCH CASES TO BE BROUGHT BEFORE THE COURT.

RECOMMENDATION 13.
(page 51)

THE CHAIRMAN RECOMMENDS THAT THE CASES OF ALL PERMANENT WARDS OF CHILD CARE AGENCIES BE BROUGHT BEFORE THE COURT FOR REVIEW AT THE END OF ONE YEAR FROM THE DATE THAT THE CHILD WAS MADE A PERMANENT WARD AND EACH YEAR THEREAFTER UNTIL EITHER THE CHILD REACHES THE AGE OF MAJORITY, IS ADOPTED, OR IS NO LONGER A PERMANENT WARD.

RECOMMENDATION 14.
(page 52)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR MONITOR THE STATISTICAL DATA PREPARED BY THE DIRECTOR OF CHILD WELFARE AND BE MANDATED TO EXAMINE, OR CAUSE TO BE EXAMINED, ANY FACET OF THE SYSTEM AS IS DEEMED TO BE NECESSARY.

RECOMMENDATION 15.
(page 53)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE MANDATED TO RECEIVE AND INVESTIGATE ANY COMPLAINT AGAINST ANY INDIVIDUAL OR PROGRAM WITHIN THE CHILD CARE SYSTEM FROM ANY PARTY, INCLUDING CHILDREN.

RECOMMENDATION 16.
(page 54)

THE CHAIRMAN RECOMMENDS THAT UPON COMPLETION OF AN INVESTIGATION INTO A COMPLAINT, THE CHILD PROTECTOR SHALL PRESENT THE FINDINGS AND THE RECOMMENDATIONS FOR CORRECTIVE ACTION TO THE APPROPRIATE AUTHORITY.

RECOMMENDATION 17.
(page 55)

THE CHAIRMAN RECOMMENDS THAT THE FUNCTIONS OF THE CHILD ABUSE COORDINATOR BE TRANSFERRED TO THE OFFICE OF THE CHILD PROTECTOR.

RECOMMENDATION 18.
(page 56)

THE CHAIRMAN RECOMMENDS THAT THE GUIDELINES RELATED TO CHILD ABUSE CASES BE EMBODIED IN THE LEGISLATION AND REGULATIONS.

RECOMMENDATION 19.
(page 57)

THE CHAIRMAN RECOMMENDS THAT ALL CASES OF CHILD ABUSE BE REPORTED TO THE CHILD ABUSE REGISTRY.

RECOMMENDATION 20.
(page 58)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR DEVELOP PROCEDURES TO ENSURE THAT PROGRAMS WHICH EMPLOY STAFF OR RECRUIT VOLUNTEERS TO WORK WITH CHILDREN DO NOT UNWITTINGLY PLACE CHILDREN AT RISK OF ABUSE FROM A PERSON IN WHOSE CARE THEY HAVE BEEN PLACED AND THAT SUCH PROGRAMS BE MONITORED REGULARLY.

RECOMMENDATION 21.
(page 60)

THE CHAIRMAN RECOMMENDS THAT A NATIONAL ABUSE REGISTRY BE ESTABLISHED.

RECOMMENDATION 22.
(page 61)

THE CHAIRMAN RECOMMENDS THAT AUTHORIZED PERSONNEL WHO MIGHT BECOME INVOLVED IN EMERGENCY SITUATIONS OF SUSPECTED CHILD ABUSE HAVE ACCESS ON A 24 HOUR BASIS TO IDENTIFYING DATA FROM THE CHILD ABUSE REGISTRY THROUGH A COMPUTER CONNECTION.

RECOMMENDATION 23. (page 62)	THE CHAIRMAN RECOMMENDS THAT AN ETHICAL PROTOCOL BE DEVELOPED TO ENSURE THAT THE NAMES OF THOSE NOT FOUND GUILTY OF ABUSE ARE PURGED FROM THE REGISTRY, THAT PERSONS WHOSE NAMES APPEAR ARE NOTIFIED, THAT PERSONS HAVE THE RIGHT TO VIEW THEIR FILE AND SUBMIT INFORMATION FOR INCLUSION ON THE FILE TO PRESENT THEIR POSITION, AND, FURTHER, THAT PERSONS HAVE ACCESS TO LEGAL PROCEDURES TO SEEK REMOVAL OF THEIR NAMES FROM THE REGISTRY.
RECOMMENDATION 24. (page 66)	THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ASSUME LEADERSHIP IN DEVELOPING INTERDISCIPLINARY CHILD ABUSE COMMITTEES AND TREATMENT CENTRES IN EVERY REGION OF THE PROVINCE AND THAT THE EXPERTISE OF THE CHILDREN'S HOSPITAL CHILD PROTECTION CENTRE STAFF BE UTILIZED TO ACHIEVE THIS GOAL.
RECOMMENDATION 25. (page 67)	THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR PROVIDE THE NECESSARY EXPERTISE TO LOCAL CHILD ABUSE COMMITTEES FOR THE DEVELOPMENT OF PROTOCOLS WHICH WILL

REFLECT THE SPECIAL CULTURAL/ETHNIC/SOCIETAL PATTERNS OF THE REGIONS AND THE LOCAL COMMUNITIES.

RECOMMENDATION 26.
(page 68)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ESTABLISH A SYSTEM FOR MONITORING THE LOCAL RESPONSE SYSTEMS TO REPORTS OF CHILD ABUSE.

RECOMMENDATION 27.
(page 68)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE EMPOWERED TO DO ANY ACT, CONDUCT ANY STUDY OR INVESTIGATION, RECOMMEND TO ANY INDIVIDUAL, ORGANIZATION, GOVERNMENT DEPARTMENT, OR THE GOVERNMENT ON ANY TOPIC WHICH AFFECTS THE SAFETY AND SECURITY OF THE CHILDREN OF THE PROVINCE.

RECOMMENDATION 28.
(page 71)

THE CHAIRMAN RECOMMENDS THAT THE POSITION OF CHILD PROTECTOR BE ESTABLISHED BY AUTHORITY OF THE LEGISLATURE AND BE SUBJECT TO, AND ONLY TO, THE WILL OF THE LEGISLATURE.

RECOMMENDATION 29.
(page 76)

THE CHAIRMAN RECOMMENDS THAT THE AGENCIES BE ENCOURAGED TO SECURE AND USE

AVAILABLE TECHNOLOGICAL EQUIPMENT TO ENABLE WORKERS TO BETTER MONITOR THEIR CASES, PLAN THE USE OF THEIR TIME, AND KEEP THEIR RECORDS CURRENT.

RECOMMENDATION 30.
(page 76)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE MANDATED TO COMPLETE CASE SUMMARIES AT LEAST EVERY SIX MONTHS AND AT THE TIME A CASE CLOSES. SUCH SUMMARIES SHOULD BE READ, CHECKED AND INITIALED BY THE SUPERVISOR. FAILURE TO COMPLETE SUCH SUMMARIES IN A SATISFACTORY MANNER SHOULD BE GROUNDS FOR TERMINATION OF EMPLOYMENT.

RECOMMENDATION 31.
(page 77)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE PROVIDED WITH TECHNICAL TRAINING AND ASSISTANCE TO LEARN TO TABULATE AND ANALYZE THEIR CASELOADS ANNUALLY TO ESTABLISH TRENDS, EVALUATE PROFESSIONAL EFFECTIVENESS, AND TO IDENTIFY FORMAL AND INFORMAL TRAINING NEEDS.

RECOMMENDATION 32.
(page 78)

THE CHAIRMAN RECOMMENDS THAT AGENCIES CONSIDER CASELOAD DISTRIBUTION TO TAKE

INTO ACCOUNT EDUCATION AND SKILLS REQUIRED FOR SPECIFIC TASKS AND A BALANCING OF RESPONSIBILITIES TO ENSURE JOB SATISFACTION AND REDUCE STAFF TURNOVER.

RECOMMENDATION 33.
(page 82)

THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO CREATE AN ATMOSPHERE OF EXPERIMENTATION AND INNOVATION WHILE MAINTAINING SOUND PROFESSIONAL PRACTISES. THE ABILITY TO ASSESS SUCH INNOVATION FOR APPLICATION IN OTHER CASES OR SITUATIONS IS ALSO ESSENTIAL.

RECOMMENDATION 34.
(page 83)

THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO FORM CONSTRUCTIVE LINKS TO THE COMMUNITY AND TO BUILD MECHANISMS FOR COMMUNITY INPUT INTO AGENCY SERVICES.

RECOMMENDATION 35.
(page 87)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXERCISE THE AUTHORITY TO ESTABLISH PROGRAM STANDARDS FOR CHILD CARE AGENICES AND TO EVALUATE

AGENCY PERFORMANCE IN RELATION TO THOSE STANDARDS.

RECOMMENDATION 36.
(page 94)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ESTABLISH AN AUTOMATED DATA COLLECTION SYSTEM WHICH WILL ENABLE:

- ERROR FREE INFORMATION ENTRY,
- INTERAGENCY AND INTERPROGRAM DATA COMPARISONS,
- MEASUREMENT OF PROGRAM EFFECTIVENESS, AND
- ACCESSIBILITY OF DATA FOR RESEARCH AND EVALUATION ACTIVITIES.

RECOMMENDATION 37.
(page 96)

THE CHAIRMAN RECOMMENDS THAT A PROGRAM REVIEW AND EVALUATION BRANCH BE ESTABLISHED TO COORDINATE AND DIRECT SECONDED STAFF IN CONDUCTING REVIEWS OF CHILD CARE AGENCIES.

RECOMMENDATION 38.
(page 97)

THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF INDIAN CHILD AND FAMILY SERVICES AGENCIES FOCUS ON A DEVELOPMENTAL APPROACH AND THAT SPECIAL ASSISTANCE BE PROVIDED TO THESE AGENCIES IN THE AREAS OF TRAINING AND PROGRAM DEVELOPMENT.

RECOMMENDATION 39.
(page 97)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE MAINTAIN THE RESPONSIBILITY FOR IDENTIFYING STAFF TRAINING NEEDS OF ALL CHILD CARE AGENCIES AND FOR PROVIDING EDUCATIONAL OPPORTUNITIES EITHER DIRECTLY OR THROUGH ARRANGEMENTS WITH COMMUNITY EDUCATIONAL RESOURCES.

RECOMMENDATION 40.
(page 98)

THE CHAIRMAN RECOMMENDS THAT ALL STATISTICAL DATA COMPILED BY THE DIRECTOR OF CHILD WELFARE AND THE RESULTS OF ALL RESEARCH CONDUCTED UNDER THE AUSPICES OF OR WITH THE PERMISSION OF THE DIRECTOR BE PUBLISHED.

RECOMMENDATION 41.
(page 98)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE DIRECTOR OF CHILD WELFARE CONDUCT A REGULAR ONGOING REVIEW OF LITERATURE IN THE FIELD OF CHILD WELFARE AND THAT SUMMARIES OF SUCH LITERATURE BE PUBLISHED.

RECOMMENDATION 42.
(page 99)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ASSUME THE RESPONSIBILITY FOR IDENTIFYING AREAS REQUIRING

BASIC RESEARCH AND FOR ENLISTING THE APPROPRIATE UNIVERSITY RESOURCES TO CONDUCT SUCH RESEARCH.

RECOMMENDATION 43.
(page 100)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT COST SHARE (50%) ALL RESEARCH PROJECTS RELATED TO CHILD WELFARE AND WHERE SUCH RESEARCH DEALS SPECIFICALLY WITH TREATY INDIANS, THAT THE FEDERAL GOVERNMENT PAY THE TOTAL COST.

RECOMMENDATION 44.
(page 123)

THE CHAIRMAN RECOMMENDS THAT THE PROVINCE ASSIST THE INDIAN CHILD AND FAMILY SERVICES AGENCIES IN THEIR ENDEAVOURS TO SECURE FEDERAL FUNDING FOR THE PROVISION OF MANDATED SERVICES OFF-RESERVE FOR TREATY INDIANS.

RECOMMENDATION 45.
(page 127)

THE CHAIRMAN RECOMMENDS THAT THE EFFECTIVENESS OF THE NATIVE RESOURCE CENTRE BE MONITORED AND EVALUATED FOR APPLICABILITY TO OTHER CULTURAL/ETHNIC GROUPS.

RECOMMENDATION 46.
(page 127)

THE CHAIRMAN RECOMMENDS THAT PRIVATE CHILD CARE AGENCIES BE MANDATED TO HAVE BOARDS OF DIRECTORS WHICH ARE COMPOSED

OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 47.
(page 128)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE PROGRAMS OPERATED BY REGIONAL OFFICES ESTABLISH REGIONAL ADVISORY BOARDS COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 48.
(page 128)

THE CHAIRMAN RECOMMENDS THAT WHERE SUFFICIENT POPULATION CONCENTRATIONS EXIST WITHIN THE GEOGRAPHIC AREA SERVED BY PRIVATE AGENCIES, THAT LOCAL RESOURCE CENTRES BE ESTABLISHED GOVERNED BY A BOARD COMPOSED OF RESIDENTS OF THAT AREA. THE DIRECTOR OF CHILD WELFARE WILL DETERMINE WHERE 'SUFFICIENT POPULATION CONCENTRATIONS' EXIST.

RECOMMENDATION 49.
(page 129)

THE CHAIRMAN RECOMMENDS THAT WHERE A SUFFICIENT POPULATION CONCENTRATION EXISTS WITHIN THE GEOGRAPHIC AREA SERVED BY REGIONAL OFFICES, THAT LOCAL CHILD CARE COMMITTEES BE ESTABLISHED COMPOSED OF RESIDENTS OF THAT AREA.

Note: The difference in the recommendations related to private agencies and regional offices results from the variance in the population distribution of the areas served as well as the fact that regional offices are, in effect, Resource Centres.

RECOMMENDATION 50.
(page 129)

THE CHAIRMAN RECOMMENDS THAT THE DUTIES OF BOARDS, ADVISORY COMMITTEES, AND CHILD CARE COMMITTEES BE DEFINED TO INCLUDE THE DEVELOPMENT OF LOCAL RESOURCES FOR CHILDREN (FOSTER AND ADOPTION HOMES), THE DEVELOPMENT OF LOCAL TREATMENT RESOURCES (GROUP HOMES, THERAPEUTIC SPECIALISTS), THE DEVELOPMENT OF POLICY FOR SERVICE NOT INCONSISTENT WITH PROGRAM STANDARDS DEVELOPED BY THE DIRECTOR OF CHILD WELFARE, AND THE DEVELOPMENT OF SPECIFIC SERVICE PLANS FOR INDIVIDUAL CHILDREN.

RECOMMENDATION 51.
(page 129)

THE CHAIRMAN RECOMMENDS THAT PRIVATE AGENCIES AND INDIAN CHILD AND FAMILY SERVICES AGENCIES FORMALIZE THEIR RELATIONSHIPS WITH OTHER COMMUNITY SERVICES SO THAT ALL POSSIBLE RESOURCES CAN BE MOBILIZED FOR CHILDREN AND THEIR FAMILIES.

RECOMMENDATION 52.
(page 157)

THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY THAT A NATIVE CHILD BE PLACED IN A NON-NATIVE FAMILY THAT THE ASSESSMENT OF THAT FAMILY INCLUDE CONSIDERATION OF ATTITUDES TOWARDS NATIVE PEOPLE, CAPACITY TO INVOLVE THEMSELVES IN NATIVE CULTURE, ABILITY TO FORM RELATIONSHIPS WITH PERSONS OF NATIVE DESCENT, AND UNDERSTANDING OF THE NEED TO ASSIST THE CHILD DEVELOP KNOWLEDGE OF AND PRIDE IN CULTURAL HERITAGE.

RECOMMENDATION 53.
(page 159)

THE CHAIRMAN RECOMMENDS THAT CHILD PLACING AGENCIES ACCEPT THE REALITY THAT SPECIAL PROBLEMS MAY BE EXPERIENCED BY CHILDREN OF ONE ETHNIC/CULTURAL GROUP WHEN PLACED IN HOMES OF ANOTHER ETHNIC/ CULTURAL BACKGROUND AND THAT CHILDREN

AND ADOPTIVE PARENTS BE OFFERED CULTURALLY SENSITIVE COUNSELLING TO PREVENT OR TREAT SUCH PROBLEMS.

RECOMMENDATION 54.
(page 169)

THE CHAIRMAN RECOMMENDS THAT ASSOCIATIONS OF PRACTITIONERS IN THE FIELDS OF LAW, HEALTH CARE, AND SOCIAL SERVICES ARRANGE FOR TRAINING OPPORTUNITIES IN THE AREA OF CULTURAL AWARENESS AND THAT PARTICIPATION IN SUCH TRAINING BE A REQUIREMENT FOR THOSE WHOSE CLIENTELE INCLUDE MEMBERS OF CULTURAL/ETHNIC MINORITIES.

RECOMMENDATION 55.
(page 172)

THE CHAIRMAN RECOMMENDS THAT EFFORTS TO PROVIDE TRAINING FOR MEMBERS OF CULTURAL MINORITIES BE EXTENDED TO ENSURE THE AVAILABILITY OF QUALIFIED PERSONNEL FOR HUMAN SERVICE AGENCIES WHO ARE MEMBERS OF THE SAME ETHNIC/CULTURAL GROUPS AS THE CLIENTS. SUCH TRAINING SHOULD BE EQUIVALENT TO THAT IN TRADITIONAL TRAINING INSTITUTIONS, SHOULD BE LINKED TO REALISTIC EMPLOYMENT OPPORTUNITIES, SHOULD INCLUDE FINANCIAL AND SUPPORT SERVICES TO MAXIMIZE SUCCESSFUL COM-

PLETION, AND SHOULD LEAD TO CAREER ADVANCEMENT THROUGH TRAINING AND/OR EXPERIENCE.

RECOMMENDATION 56.
(page 174)

THE CHAIRMAN RECOMMENDS THAT POST GRADUATE PROFESSIONAL SCHOOLS INCORPORATE INTO THEIR CURRICULUM MATERIAL DESIGNED TO INCREASE AWARENESS AND APPRECIATION OF CULTURAL PATTERNS OF GROUPS WITH WHICH GRADUATES ARE LIKELY TO COME IN CONTACT.

RECOMMENDATION 57.
(page 174)

THE CHAIRMAN RECOMMENDS THAT HIGH SCHOOLS INCORPORATE INTO THE CURRICULUM CONSIDERATION OF A VARIETY OF CULTURAL PATTERNS WITH A VIEW TO DEVELOPING SENSITIVITY TO, AND UNDERSTANDING OF, CULTURAL DIFFERENCES.

RECOMMENDATION 58.
(page 175)

THE CHAIRMAN RECOMMENDS THAT ETHNIC/CULTURAL GROUPS IN THE COMMUNITY CONTRIBUTE FINANCIAL AND HUMAN RESOURCES TO THE FIELD OF CHILD CARE THROUGH:

- THE ESTABLISHMENT OF EMERGENCY SHELTERS FOR PARENTS AND CHILDREN,
- THE ESTABLISHMENT OF DAY CARE CENTRES,

- THE PROVISION OF SCHOLARSHIPS TO ENABLE MEMBERS OF THEIR GROUPS TO UNDERTAKE PROFESSIONAL TRAINING IN THE HUMAN SERVICES,
- THE ADOPTION OF A FAMILY,
- ACTING AS RECRUITERS FOR FOSTER AND ADOPTIVE HOMES,
- TRAINING MEMBERS OF THEIR GROUPS FOR EFFECTIVE PARTICIPATION ON BOARDS AND LOCAL COMMITTEES OF CHILD AND FAMILY SERVICES AGENCIES,
- PROVIDING RESOURCE PERSONS TO TEACH ETHNIC VALUES TO STUDENTS, AGENCY STAFF, COURT PERSONNEL, PROFESSORS AND EDUCATORS,
- PROVIDING OPPORTUNITIES FOR INVOLVEMENT IN ETHNIC/CULTURAL ACTIVITIES FOR RESIDENTS OF GROUP HOMES AND INSTITUTIONS, AND
- PROVIDING VOLUNTEERS AS BIG SISTERS AND BIG BROTHERS FOR CHILDREN OF THEIR OWN ETHNIC/CULTURAL GROUPS.

RECOMMENDATION 59. (page 188)	THE CHAIRMAN RECOMMENDS THAT THERE BE A PROVINCIAL COURT JUDGE APPOINTED TO BE LOCATED IN THE NORTH TO PROVIDE SERVICE

TO REMOTE COMMUNITIES ON A MORE REGULAR BASIS, AND BY SPECIAL ARRANGEMENT AS NEEDED, TO ENSURE THAT RESIDENTS OF NORTHERN COMMUNITIES RECEIVE THE SAME LEVEL OF SERVICE AS SOUTHERN URBAN CENTRES.

RECOMMENDATION 60.
(page 188)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR PAY PARTICULAR ATTENTION TO CASES OF CHILDREN UNDER APPREHENSION IN NORTHERN MANITOBA TO ENSURE THAT CASES ARE DEALT WITH BY THE CHILD WELFARE SYSTEM AND THE COURTS EXPEDITIOUSLY AND IN ACCORDANCE WITH THE PROVISIONS OF THE CHILD WELFARE ACT.

RECOMMENDATION 61.
(page 189)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR MONITOR CASES OF CUSTODY BY CONSENT TO ENSURE THAT PARENTS HAVE BEEN FULLY INFORMED OF, AND COMPREHEND, THE IMPLICATIONS OF THEIR VOLUNTARY ACTION AND ARE AWARE OF STEPS THAT CAN BE TAKEN TO WITHDRAW SUCH CONSENT.

RECOMMENDATION 62.
(page 194)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES BE REQUIRED TO REPORT TO THE

CHILD PROTECTOR INFORMATION ABOUT CHILDREN TAKEN INTO CUSTODY FOR LESS THAN 4 JURIDICAL DAYS INCLUDING DOCUMENTATION OF THE CIRCUMSTANCES OF APPREHENSION, A DESCRIPTION OF THE ACTION TAKEN BY THE AGENCY, AND THE FINAL DISPOSITION OF THE CASE. AS APPROPRIATE, THE CHILD PROTECTOR SHALL BE MANDATED TO BRING FORWARD CASES FOR THE REVIEW OF THE COURT.

RECOMMENDATION 63. (page 203)	THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO REPORT TO THE DIRECTOR OF CHILD WELFARE ON A MONTHLY BASIS THE STATISTICS OF INDIAN CHILDREN MAINTAINED IN HOMES OTHER THAN THEIR OWN AND FUNDED BY VARIOUS FEDERAL PROGRAMS.
RECOMMENDATION 64. (page 205)	THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXAMINE THE CASES OF THE CHILDREN PREVIOUSLY UNDER THE FEDERAL GUARDIAN SOCIAL ALLOWANCE PROGRAM TO ENSURE THAT THESE CASES ARE BEING SUPERVISED BY THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY AND THAT PAYMENTS BEING MADE BY THE FEDERAL GOVERNMENT FOR

THE CHILDRENS' MAINTENANCE IS EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 65.
(page 206)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXPEDITE THE TRANSFER OF THE CHILDREN REMAINING ON THE "PAY LIST" TO THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY FOR SUPERVISION AND THAT PAYMENTS MADE BY THE FEDERAL GOVERNMENT FOR THE MAINTENANCE OF THESE CHILDREN BE EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 66.
(page 206)

THE CHAIRMAN RECOMMENDS THAT IMPLEMENTATION OF THE PREVIOUS TWO RECOMMENDATIONS BE CONTINGENT ON THE GUARANTEE OF THE FEDERAL GOVERNMENT THAT THE COST OF SUPPORT OF TREATY INDIAN CHILDREN IN HOMES OTHER THAN THEIR OWN WILL BE BORNE BY THE FEDERAL GOVERNMENT WHETHER SUCH FOSTER HOMES ARE ON A RESERVE OR OFF THE RESERVE.

RECOMMENDATION 67.
(page 209)

THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES CONTINUE THEIR EFFORTS TO PROVIDE THE NECESSARY DIAGNOSTIC AND TREATMENT SERVICES ON RESERVES SO THAT REMOVAL OF CHILDREN FOR MEDICAL CARE WILL NOT BE NECESSARY.

RECOMMENDATION 68.
(page 209)

THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY TO SEPARATE AN INDIAN CHILD FROM ITS OWN FAMILY FOR MEDICAL CARE, THAT THE INVOLVEMENT OF THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE MANDATED FOR PURPOSES OF SUPERVISION OF THE CHILD, PLANNING FOR THE FUTURE AND FACILITATING CONTINUED CONTACT BETWEEN THE CHILD AND NATURAL FAMILY.

RECOMMENDATION 69.
(page 210)

THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES AND THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY CO-OPERATE IN DEVELOPING TECHNIQUES FOR FACILITATING THE CONTINUATION OF A POSITIVE RELATIONSHIP BETWEEN CHILD AND FAMILY. IN ADDITION TO REGULAR VISITS, THERE SHOULD BE A ROUTINE EXCHANGE OF LETTERS, PHOTOGRAPHS, TAPES, AND VIDEO-

TAPES. CONFERENCE TELEPHONE CALLS SHOULD BE USED TO DISCUSS THE PLANS FOR THE CHILD INVOLVING PARENTS, CHILD CARE WORKER, RESERVE NURSE, PHYSICIAN, HEALTH SERVICES SOCIAL WORKER, BOARDING HOME PARENTS, AND OTHER PERSONS AS MAY BE NECESSARY.

RECOMMENDATION 70.
(page 211)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO PERMIT PARENTS OR GUARDIANS TO ENTER INTO AN AGREEMENT WITH THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY WHEN A CHILD MUST BE PLACED AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE.

RECOMMENDATION 71.
(page 211)

THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR THE PROVISION OF CARE TO ALL CHILDREN WHO MUST BE AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE BE LICENSED UNDER LEGISLATIVE PROVISIONS RELATED TO FOSTER HOMES AND SUPERVISED BY THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY.

RECOMMENDATION 72.
(page 212)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO CONTINUE THE

FINANCIAL SUPPORT OF TREATY INDIAN CHILDREN WHO MUST BE AWAY FROM THEIR OWN HOMES FOR PURPOSES OF MEDICAL DIAGNOSIS OR CARE.

RECOMMENDATION 73. (page 212)	THE CHAIRMAN RECOMMENDS THAT PAYMENT FOR THE CARE OF INDIAN AND NON-INDIAN CHILDREN WHO ARE AWAY FROM HOME FOR MEDICAL DIAGNOSIS OR TREATMENT BE AT THE SAME RATE AS IS PROVIDED FOR FOSTER CARE, WITH SUPPLEMENTARY PAYMENTS MADE WHEN THE NATURE OF THE HEALTH PROBLEM REQUIRES SPECIAL SKILLS AND ATTENTION FROM FOSTER PARENTS.
RECOMMENDATION 74. (page 215)	THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT ACCELERATE EFFORTS TO TRANSFER FUNDS AND RESPONSIBILITIES FOR EDUCATION TO BANDS AND TRIBAL COUNCILS.
RECOMMENDATION 75. (page 215)	THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR INDIAN CHILDREN FOR EDUCATIONAL PURPOSES BE SUBJECT TO THE SAME STANDARDS AS HOMES USED TO PROVIDE FOSTER CARE, AND THAT CULTURAL SENSITIVITY BE A MAJOR FACTOR IN THE APPROVAL OF SUCH HOMES.

RECOMMENDATION 76.
(page 216)

THE CHAIRMAN RECOMMENDS THAT RESEARCH BE CONDUCTED TO DETERMINE THE IMPACT ON CHILDREN OF BEING AWAY FROM HOME FOR EDUCATION PURPOSES COMPARED WITH THOSE CHILDREN WHO COMPLETE THEIR EDUCATION WITHIN THEIR OWN TRIBAL AREA.

RECOMMENDATION 77.
(page 216)

THE CHAIRMAN RECOMMENDS THAT, WHEN INDIAN CHILDREN MUST MOVE FROM THEIR OWN HOMES FOR PURPOSES OF EDUCATION, INFORMATION AND ASSISTANCE BE PROVIDED TO THE APPROPRIATE STAFF OF THE RECEIVING SCHOOL DIVISIONS TO MINIMIZE ANY PROBLEMS THE CHILDREN MIGHT ENCOUNTER IN ADAPTING TO THE SCHOOL.

RECOMMENDATION 78.
(page 216)

THE CHAIRMAN RECOMMENDS THAT RATES PAID BY THE FEDERAL GOVERNMENT ON BEHALF OF INDIAN CHILDREN IN BOARDING HOMES FOR PURPOSES OF EDUCATION BE AT THE SAME RATE AS THAT PAID IN OTHER PROGRAMS.

RECOMMENDATION 79.
(page 225)

THE CHAIRMAN RECOMMENDS THAT EACH YEAR THE DIRECTOR OF CHILD WELFARE CONTRACT WITH A PROFESSIONAL PUBLIC RELATIONS FIRM TO CONDUCT A PROVINCE-WIDE CAMPAIGN

ON BEHALF OF ALL CHILD CARE AGENCIES. THE FOCUS OF THE CAMPAIGN SHOULD BE ON RECRUITING FOSTER AND ADOPTIVE HOMES, AND SHOULD ALSO SERVE TO BRING POSITIVE RECOGNITION TO THOSE FAMILIES CURRENTLY FOSTERING AND ADOPTING.

RECOMMENDATION 80.
(page 227)

THE CHAIRMAN RECOMMENDS THAT ALL CHILD CARE AGENCIES BEGIN WITH THE NEEDS OF A SPECIFIC CHILD WHEN SEEKING FOSTER AND ADOPTIVE HOMES, AND THAT THEY USE ALL AVAILABLE RESOURCES TO IDENTIFY POTENTIAL HOMES IN THE LOCAL COMMUNITY.

RECOMMENDATION 81.
(page 230)

THE CHAIRMAN RECOMMENDS THAT THE CRITERIA BY WHICH FOSTER AND ADOPTIVE FAMILIES WILL BE EVALUATED BE WRITTEN, BE CONSISTENT THROUGHOUT THE PROVINCE, BE PUBLICLY AVAILABLE, AND GIVEN TO ALL WHO INDICATE AN INTEREST IN FOSTERING OR ADOPTING.

RECOMMENDATION 82.
(page 232)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES PREPARE INFORMATION SHEETS WITH PICTURES OF CHILDREN ACTUALLY AVAILABLE FOR ADOPTION, AND THAT THESE BE SHOWN TO PROSPECTIVE ADOPTION FAMILIES.

RECOMMENDATION 83.
(page 234)

THE CHAIRMAN RECOMMENDS THAT NEW GUIDELINES FOR THE EVALUATION OF FOSTER AND ADOPTIVE HOMES NOT ONLY CONTAIN THE FACTORS WHICH MUST BE CONSIDERED, BUT ALSO PROVIDE DIRECTION ON HOW EACH FACTOR SHOULD BE RATED AND WEIGHTED IN THE ASSESSMENT OF HOMES.

RECOMMENDATION 84.
(page 235)

THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A SIGNED APPLICATION FROM PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES, THERE BE AN AUTOMATIC CHECK WITH THE ABUSE REGISTRY AND WITH THE POLICE TO ENSURE THAT NO CHILD IS PLACED IN A SITUATION THAT HAS THE POTENTIAL TO BE DANGEROUS.

RECOMMENDATION 85.
(page 236)

THE CHAIRMAN RECOMMENDS THAT AGENCIES BE REQUIRED TO MAKE CONTACT WITH THE PERSONS LISTED AS REFERENCES BY FOSTER AND ADOPTIVE APPLICANTS TO SECURE THEIR VIEWS ON THE ABILITY OF THE APPLICANTS TO PROVIDE A SAFE, SECURE, AND LOVING HOME FOR CHILDREN.

RECOMMENDATION 86.
(page 238)

THE CHAIRMAN RECOMMENDS THAT SIBLING GROUPS NOT BE SEPARATED FOR PURPOSES OF

	ADOPTION. PLACEMENT OF SIBLING GROUPS WITH A PERMANENT FOSTER FAMILY OR WITH EMPLOYED HOUSE PARENTS IS FREQUENTLY PREFERABLE TO SEPARATION.
RECOMMENDATION 87. (page 239)	THE CHAIRMAN RECOMMENDS THAT THE NEW GUIDELINES CONTAIN DISCUSSION OF THE ASSESSMENT OF APPLICATIONS FROM SINGLE APPLICANTS.
RECOMMENDATION 88. (page 239)	THE CHAIRMAN RECOMMENDS THAT NO CHILD BE PLACED FOR ADOPTION IN A FAMILY WHOSE ETHNIC/CULTURAL BACKGROUND IS DIFFERENT THAN ITS OWN UNTIL EVERY POSSIBLE EFFORT HAS BEEN MADE TO FIND A HOME THAT IS ETHNICALLY/CULTURALLY COMPATIBLE WITH THE BACKGROUND OF THE CHILD.
RECOMMENDATION 89. (page 240)	THE CHAIRMAN RECOMMENDS THAT PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES BE ASSESSED IN RELATION TO THEIR ABILITY TO APPRECIATE AND ENHANCE A CHILD'S SENSE OF IDENTITY WITH ITS OWN ETHNIC/CULTURAL BACKGROUND.
RECOMMENDATION 90. (page 241)	THE CHAIRMAN RECOMMENDS THAT THE PROCESS OF ASSESSMENT OF ADOPTION APPLICANTS

INCLUDE DISCUSSION OF HOW A CHILD'S SEARCH FOR PERSONAL IDENTITY WILL BE HANDLED, AND THAT PLACING AGENCIES BE AVAILABLE TO ASSIST ADOPTIVE PARENTS WHEN THIS SITUATION ARISES.

RECOMMENDATION 91.
(page 244)

THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A REQUEST FROM AN ADULT ADOPTEE FOR INFORMATION ABOUT, OR CONTACT WITH, BIRTH PARENTS, AN ACTIVE ROLE BE TAKEN BY THE POST ADOPTION REGISTRY STAFF IN LOCATING PARENTS, AND, IF CONSENTING, EXPEDITING CONTACT.

RECOMMENDATION 92.
(page 244)

THE CHAIRMAN RECOMMENDS THAT STAFF RESOURCES CONTINUE TO BE AVAILABLE TO COORDINATE AND EXPEDITE THE REPATRIATION OF NATIVE CHILDREN WHO WERE PLACED OUT OF PROVINCE IN THE PAST.

RECOMMENDATON 93.
(page 245)

THE CHAIRMAN RECOMMENDS THAT THE DEVELOPMENT OF A PLAN FOR EACH INDIVIDUAL CHILD WHO IS A PERMANENT WARD OF AN AGENCY BE DONE BY ALL SENIOR PROGRAM STAFF WITH THE FULL PARTICIPATION OF THE STAFF MEMBER DIRECTLY RESPONSIBLE FOR THE CHILD.

RECOMMENDATION 94. (page 248)	THE CHAIRMAN RECOMMENDS THAT THE FOSTER HOME PROGRAM OF MANITOBA BE EVALUATED TO ENSURE THAT APPLICANTS ARE SCREENED PRIOR TO THE PLACEMENT OF A CHILD, THAT TRAINING IS AVAILABLE FOR FOSTER PARENTS AND PARTICIPATION REQUIRED, AND THAT FOSTER HOME PLACEMENTS ARE MONITORED ON A FREQUENT BASIS BY THE CHILD CARE AGENCY.
RECOMMENDATION 95. (page 250)	THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF ADOPTION AND FOSTER HOMES IN AN ATTEMPT TO IDENTIFY THE ELEMENTS WHICH MAKE IT POSSIBLE FOR CHILDREN AND SURROGATE PARENTS TO FORM A POSITIVE RELATIONSHIP.
RECOMMENDATION 96. (page 251)	THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF GROUP HOMES IN AN ATTEMPT TO IDENTIFY THE TYPES OF CHILDREN WHO BEST BENEFIT FROM A GROUP HOME PLACEMENT.
RECOMMENDATION 97. (page 252)	THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF GROUP HOMES BE CONDUCTED ON A REGULAR BASIS, AND AT LEAST ONCE A

YEAR, AND THAT LICENSES BE WITHHELD FROM ANY HOME WHICH DOES NOT MEET ESTABLISHED EXPECTATIONS FOR THE CARE OF CHILDREN.

RECOMMENDATION 98.
(page 254)

THE CHAIRMAN RECOMMENDS THAT RESOURCES BE MADE AVAILABLE FOR THE PROVISION OF FACILITIES FOR GROUP HOMES ON RESERVES AND IN METIS COMMUNITIES, AS APPROPRIATE, FOR THE CARE OF TEENAGE CHILDREN IN NEED OF SUCH A RESIDENTIAL SETTING.

RECOMMENDATION 99.
(page 255)

THE CHAIRMAN RECOMMENDS THAT APPROPRIATE GROUP HOMES BE ESTABLISHED TO PROVIDE CARE FOR CHILDREN FROM REMOTE AREAS WHO MUST REMAIN IN WINNIPEG PENDING DISPOSITION OF THEIR CASES UNDER THE YOUNG OFFENDERS ACT.

RECOMMENDATION 100.
(page 256)

THE CHAIRMAN RECOMMENDS THAT THE NAMES OF ALL APPLICANTS FOR POSITIONS IN GROUP HOMES AND CHILD CARE INSTITUTIONS BE CHECKED WITH THE POLICE TO ENSURE NO CRIMINAL RECORD EXISTS WHICH WOULD INDICATE THAT EMPLOYMENT OF AN INDIVIDUAL MIGHT PLACE CHILDREN IN JEOPARDY.

RECOMMENDATION 101. (page 256)	THE CHAIRMAN RECOMMENDS THAT A STRUCTURED TRAINING PROGRAM BE AVAILABLE FOR STAFF OF GROUP HOMES TO PERMIT IMPROVEMENT OF SKILLS AND ABILITY TO ASSUME HIGHER LEVELS OF RESPONSIBILITY.
RECOMMENDATION 102. (page 257)	THE CHAIRMAN RECOMMENDS THAT GROUP HOMES AND CHILD CARE INSTITUTIONS DIRECT ATTENTION TO ASSISTING CHILDREN DEVELOP PRIDE IN THEIR CULTURAL HERITAGE THROUGH EMPLOYMENT OF STAFF OF SIMILAR BACKGROUND AS THE CHILDREN, PROVISION OF SPECIAL PROGRAMS AND ACTIVITIES, AND THE ESTABLISHMENT OF CONTACT WITH INDIVIDUALS AND ORGANIZATIONS WHO CAN ASSIST IN THIS PROCESS.
RECOMMENDATION 103. (page 259)	THE CHAIRMAN RECOMMENDS THAT ADDITIONAL LEVEL IV SPACES BE ESTABLISHED AS A TEMPORARY MEASURE PENDING FURTHER EVALUATION.
RECOMMENDATION 104. (page 259)	THE CHAIRMAN RECOMMMENDS THAT THERE BE RESEARCH CONDUCTED ON THE HISTORY OF THE CHILDREN RESIDENT IN LEVEL IV FACILITIES TO DETERMINE WHAT ALTERNATE FORMS OF

CARE AVAILABLE AT SPECIFIC PERIODS OF THE CHILDREN'S LIVES MIGHT HAVE PREVENTED THE DEVELOPMENT OF BEHAVIOUR PATTERNS WHICH LED TO THE ADMISSION TO THE FACILITY.

RECOMMENDATION 105.
(page 260)

THE CHAIRMAN RECOMMENDS THAT THERE BE A STUDY OF CASES APPROVED BY THE DIRECTOR OF CHILD WELFARE FOR SPECIAL FUNDING OVER THE PAST FEW YEARS TO IDENTIFY WHETHER THERE ARE ANY PATTERNS WHICH MIGHT BE GENERALLY APPLIED TO BETTER PROVIDE FOR CHILDREN.

RECOMMENDATION 106.
(page 261)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES EXPAND THEIR USE OF HOMEMAKERS TO PROVIDE RESPITE FOR PARENTS AT TIMES OF STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.

RECOMMENDATION 107.
(page 262)

THE CHAIRMAN RECOMMENDS THAT THE CHILD WELFARE SYSTEM INCREASE ITS AWARENESS AND USE OF THE DAY CARE PROGRAM AS A FORM OF RESPITE FOR PARENTS IN TIMES OF

STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.

RECOMMENDATION 108.
(page 267)

THE CHAIRMAN RECOMMENDS THAT A SURVEY BE CONDUCTED BY A QUALIFIED RESEARCH FIRM TO DETERMINE WHAT PERCENTAGE OF THE MANITOBA POPULATION HAS EVER BEEN IN THE CARE OF THE CHILD WELFARE SYSTEM, WHAT THEIR EXPERIENCES HAVE BEEN, WHAT IMPACT THEY PERCEIVE THE SYSTEM TO HAVE HAD ON THEIR LIVES, AND WHAT CHANGES THEY WOULD SUGGEST TAKE PLACE.

RECOMMENDATION 109.
(page 269)

THE CHAIRMAN RECOMMENDS THAT THERE BE ROUTINE FOLLOW-UP OF CLIENTS OF CHILD CARE AGENCIES TO SECURE THE INFORMATION NECESSARY TO EVALUATE THE IMPACT OF THE SERVICE THAT WAS GIVEN AND TO PROVIDE THE OPPORTUNITY TO RECEIVE SUGGESTIONS FOR THE IMPROVEMENT OF SERVICES.

ADDENDUM

The Child and Family Services Act introduced to the legislature in 1985 may incorporate some of the recommendations, in whole or in part. This report contains the recommendations as originally drafted.

INTRODUCTION

> *At a time when our country is struggling to redefine itself, to determine what kind of a future we want for everyone in this land, we must in all fairness pay particular attention to the needs and aspirations of Native people without whose good faith and support we cannot fulfill the promise that is Canada.*
>
> *The Hon. John C. Munro, M.P., P.C.*
> *Minister of Indian Affairs*
> *and Northern Development*
>
> *In All Fairness, A Native Claims Policy, 1981*

The Native people of Manitoba had been aware for some time that substantial numbers of children who had been removed from their families by the provincial or federal authorities were placed outside the Province of Manitoba and adopted by non-Natives.

With charges of "cultural genocide" and the "selling of babies", the Native leadership was successful in early 1982 in having the Province recognize this problem and take action on it.

Premier Howard Pawley in March, 1982, banned any further adoption placements of Indian and Metis children outside the provincial boundaries. Subsequently, Community Services Minister, Mr. Leonard Evans, announced the appointment of a committee to review the situation and to formulate recommendations related to placement procedures.

Appointed as Chairman was Associate Chief Judge Edwin C. Kimelman of the Provincial Court (Family Division). The Judge was soon made aware that the out-of-province placement of Native children was only a symptom, an abhorent one to be sure, but only a symptom of problems throughout the child welfare system that affect all children coming into care.

This final report is the product of the information gathered in the course of the activities of the Review Committee and of the Chairman's 35 years of experience as lawyer and judge in the field of family law.

The only limitation to this study is that information gathering was restricted to the special problems of Natives in the child welfare system as defined in the original mandate. The Chairman, however, feels that the mandate has been fulfilled in the six reports which have been submitted to the Minister. This report takes a broader perspective.

This report will not necessarily repeat recommendations which have been made in previous reports. Where a recommendation is repeated, the rationale and supporting information may be different. What will be consistent are expressions of despair at the lack of reliable statistical data, the paucity of research, and the scarcity of pertinent literature in the field of child welfare.

RECOMMENDATION 1. **THE CHAIRMAN RECOMMENDS THAT ACCOUNTABILITY BE BUILT INTO THE CHILD WELFARE SYSTEM THROUGH THE PROVISION OF GENERAL AND SPECIFIC TRAINING AND EDUCATION IN THE AREA OF CULTURAL AWARENESS, THROUGH THE INTRODUCTION OF POLICIES AND SERVICES TO GUARANTEE THE PROTECTION OF THE LEGAL RIGHTS OF ALL PARTIES, THROUGH**

THE DEVELOPMENT OF STRUCTURES WHICH WILL ENSURE THE PARTICIPATION OF CITIZENS, THROUGH THE ESTABLISHMENT OF PROGRAM STANDARDS AND REGULAR PROGRAM EVALUATIONS TO ENSURE THAT CHILD CARE AGENCIES ARE FULFILLING THEIR MANDATED RESPONSIBILITIES, AND THROUGH THE CONDUCT OF APPROPRIATE RESEARCH TO ENSURE SERVICE PATTERNS ARE ADAPTABLE TO CHANGING NEEDS AND THAT PROFESSIONAL INTERVENTION TECHNIQUES ARE EFFECTIVE.

CHAPTER I

STUDY PROCESS

> *When I talk to you, I want you to listen to me. I don't want to be ignored. I don't want to be pushed in the back row or pushed out the door. I don't want to be that way. There is an issue at hand. It has to do with my people and I want to say something about it. I'm not going to send a white person to represent me. I'm going to represent myself because I speak from the heart. If people stand in front of me, if they stand in my way, I will kick their ---. If they walk behind me, I will throw all kinds of ---- on them, but, if they walk beside me I will be their friend. And, as a Native person, I'm not going to sit back any longer and let the world run by me. I'm going to say my speech whether you do anything about it or not. It doesn't bother me because I know I've tried.*
>
> *Marvin Smoker*
> *at Winnipeg Public*
> *Hearing, September 10, 1982*

As originally established, the Review Committee on International Indian Adoptions consisted of the Chairman and representatives of the Children's Aid Society of Western Manitoba, the Children's Aid Society of Winnipeg, The Dakota

Ojibway Child and Family Services, the Four Nations Confederacy, the Manitoba Keewatinowi Okemakanac, Inc., the Manitoba Metis Federation, the Child and Family Services Branch of Indian and Northern Affairs Canada, and the Child and Family Services Branch of the provincial Department of Community Services.

The mandate given the Review Committee was:

- to determine problems inherent in current placement procedures for Indian children, with special emphasis on adoption and foster home placement;
- to develop guidelines for adoption and foster home placement procedures involving Indian children which can be instituted throughout the child welfare system, and which will recognize the special cultural needs of the Indian community;
- to prepare a proposal for the Minister's consideration to promote awareness of the need for Indian adoptive and foster parents, and to encourage Indian families to offer their homes as placement resources.

The Minister indicated that these terms of reference would be subject to change based on the Committee's deliberations and findings.

At the first meeting of the Committee on May 2, 1982, it became immediately clear that the composition of the Committee would make consensus impossible. Several members held positions so radically opposed to each other, and yet so valid from their own viewpoint, that compromise would be impossible. The possibility of a fair and impartial consideration of the issue was undermined by the Committee's very composition. It was also clear that customary confidentiality was not a standard which the Chairman could demand of members. The issue of Native adoptions had become one of public debate. The media was presenting the political stance of organizations and it was too late to expect this practise to cease.

The Chairman was determined that the structure of the Committee not stand in the way of the production of a meaningful report dealing with substantive issues which could and would be implemented. The need to avoid the possibility of the Committee being used merely to silence the hue and cry raised by the Native organizations was clear. This study was not to be a whitewash of the child welfare system.

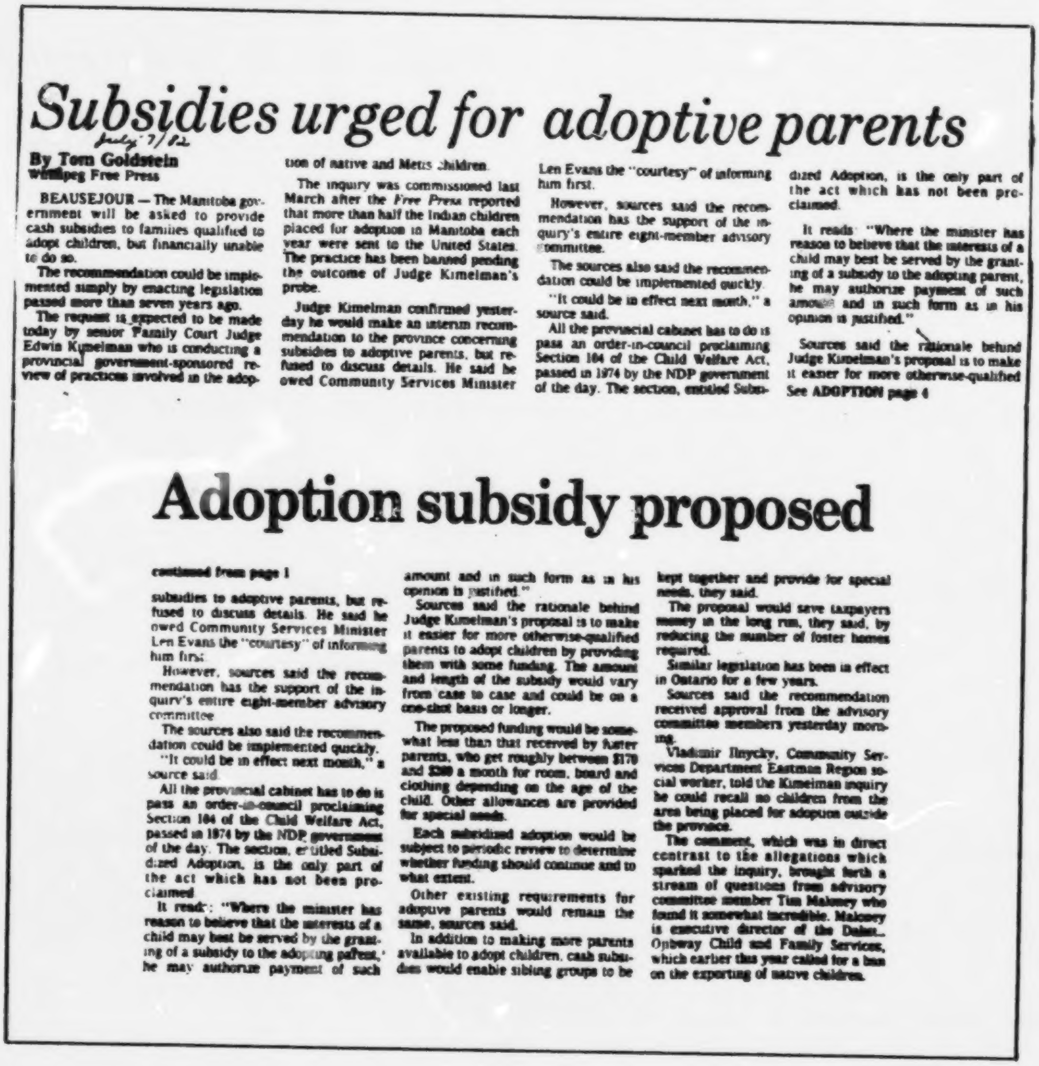
At the meeting held in Brandon on May 27, 1982, just prior to the first Public Hearing, the Chairman outlined his concerns to the Committee members. Offering no alternative, the Chairman stated that it was his intention to continue the review as a committee of one and offered the members the opportunity to continue as advisors to him.

The members reluctantly accepted this change in status and all agreed to continue.

A number of subsidiary benefits resulted from this change. The general atmosphere of the meeting improved as members taking opposing positions on certain matters did not feel the pressure to sway other members or the Chairman. The general management of the Committee activities were eased as it was no longer essential that all members be present at all community meetings - although all members were present at all Public Hearings.

The problem of confidentiality continued. While the move from full participating member to advisor allowed individuals to express their points of view to the media, it had been anticipated that the details of discussions of specific items and cases would be held in confidence. Unfortunately, this was not the case.

After a meeting on July 6, 1982, at which it was agreed that the Chairman would recommend to the Minister that the legislative provision authorizing subsidized adoptions be proclaimed, and at which the Chairman had specifically requested that the members extend the courtesy of permitting the Minister to hear of this recommendation first from the Chairman, two members of the Advisory Committee walked out of the meeting and on the steps of the Town Hall of Beausejour gave interviews to the press and T.V. representatives.



Subsidies urged for adoptive parents

July 7/82

By Tom Goldstein
Winnipeg Free Press

BEAUSEJOUR — The Manitoba government will be asked to provide cash subsidies to families qualified to adopt children, but financially unable to do so.

The recommendation could be implemented simply by enacting legislation passed more than seven years ago.

The request is expected to be made today by senior Family Court Judge Edwin Kimelman who is conducting a provincial government-sponsored review of practices involved in the adoption of native and Metis children.

The inquiry was commissioned last March after the *Free Press* reported that more than half the Indian children placed for adoption in Manitoba each year were sent to the United States. The practice has been banned pending the outcome of Judge Kimelman's probe.

Judge Kimelman confirmed yesterday he would make an interim recommendation to the province concerning subsidies to adoptive parents, but refused to discuss details. He said he owed Community Services Minister Len Evans the "courtesy" of informing him first.

However, sources said the recommendation has the support of the inquiry's entire eight-member advisory committee.

The sources also said the recommendation could be implemented quickly.

"It could be in effect next month," a source said.

All the provincial cabinet has to do is pass an order-in-council proclaiming Section 104 of the Child Welfare Act, passed in 1974 by the NDP government of the day. The section, entitled Subsidized Adoption, is the only part of the act which has not been proclaimed.

It reads: "Where the minister has reason to believe that the interests of a child may best be served by the granting of a subsidy to the adopting parent, he may authorize payment of such amount and in such form as in his opinion is justified."

Sources said the rationale behind Judge Kimelman's proposal is to make it easier for more otherwise-qualified

See ADOPTION page 4

Adoption subsidy proposed

continued from page 1

subsidies to adoptive parents, but refused to discuss details. He said he owed Community Services Minister Len Evans the "courtesy" of informing him first.

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Sources said the rationale behind Judge Kimelman's proposal is to make it easier for more otherwise-qualified parents to adopt children by providing them with some funding. The amount and length of the subsidy would vary from case to case and could be on a one-shot basis or longer.

The proposed funding would be somewhat less than that received by foster parents, who get roughly between $170 and $280 a month for room, board and clothing depending on the age of the child. Other allowances are provided for special needs.

Each subsidized adoption would be subject to periodic review to determine whether funding should continue and to what extent.

Other existing requirements for adoptive parents would remain the same, sources said.

In addition to making more parents available to adopt children, cash subsidies would enable sibling groups to be kept together and provide for special needs, they said.

The proposal would save taxpayers money in the long run, they said, by reducing the number of foster homes required.

Similar legislation has been in effect in Ontario for a few years.

Sources said the recommendation received approval from the advisory committee members yesterday morning.

Vladimir Ilnycky, Community Services Department Eastman Region social worker, told the Kimelman inquiry he could recall no children from the area being placed for adoption outside the province.

The comment, which was in direct contrast to the allegations which sparked the inquiry, brought forth a stream of questions from advisory committee member Tim Maloney who found it somewhat incredible. Maloney is executive director of the Dakota Ojibway Child and Family Services, which earlier this year called for a ban on the exporting of native children.

A second infringement of confidentiality occurred after the September 9, 1982 meeting in Winnipeg. A specific case had been discussed with the advisors polled on what position they believed the Chairman should take on the case. Following the meeting, members not only revealed the discussion to the media but one member, under pressure from the organization represented, changed position from that taken in the closed meeting.

It is obvious that from this point on substantive matters were not discussed with the Advisory Committee and active participation of the advisors was not vigorously encouraged. The advisors did not openly question these procedures.

Another change occurred following the first Public Hearing in Brandon. A presentation of the Manitoba Metis Federation persuaded the Chairman that the parameters of the Committee should be expanded to include consideration of the special problems related to Metis children within the child welfare system. As a result the name of the Committee was changed to Review Committee on Indian and Metis Adoptions and Placements.

It should also be noted that the original Committee had not included representation of the Metis community. The Minister agreed, after considerable pressure was exerted, to include the Manitoba Metis Federation. The change of name of the Committee represented the second confirmation of belief in the premise put forward that the Metis community had unique problems which needed to be examined as distinct and separate from the problems of the Treaty Indian people and non-Natives.

The repeated promise of active participation and of a contribution to the Chairman's deliberations were not fulfilled by the Metis community of Manitoba.

It is felt that the difference in response to the review by the Treaty Indian community and the Metis community resulted from different processes that had taken place in the immediate past.

The problems of child welfare as they related to Treaty Indians had long been recognized by the local Reserve communities. The official recognition of the problems by the tribal Indian organizations resulted from the pressure of local groups. There had also been extensive experience by the leadership of the Treaty Indian communities in dealing with political structures and the civil service. Thus the Treaty communities were able to organize well-attended Special Hearings in communities, had experience in preparing and presenting briefs which outlined their problems in a concise and imaginative manner reflecting Indian style and imagery, and finally, were at ease in dealing with representatives of the public media and with the format of Public Hearings.

The articulation of a Metis policy on child welfare issues, on the other hand, apparently resulted from the expressed concern of the Metis leadership, not the local communities.

Briefs were presented by the Metis organizations at the Public Hearings. But requests to the Chairman to meet in Metis communities were not forthcoming. After considerable prodding by the Chairman, a request was received to meet with one community but after numerous attempts and making every effort to accommodate, no meeting was held. The Chairman regrets not having been given the opportunity to meet with the leaders and local residents of Metis communities. The Chairman, therefore, received only information that reflected the official position of the provincial organization.

Several meetings with Metis organizations were attended by the Chairman but they cannot be described as "Hearings". Thus, the Chairman did not receive the information that was necessary to support the oft-heard claim that the Metis were different from other Native people and needed to be dealt with in a special way.

Giving consideration to this matter led the Chairman to conclude that there were many cultural groups within the Manitoba community which needed to be considered as having a unique and special interest in the child care system, whose cultural patterns as they related to child rearing must be recognized, and which must assume certain responsibilities with regard to their own children. The Metis contributed significantly to the Chairman's full appreciation of this cultural reality.

WINNIPEG SCHOOL DIVISION NO. 1
POPULATION IN FAMILIES
WITH SCHOOL AGE CHILDREN (0 - 15)
BY LANGUAGE SPOKEN IN HOMES
(1981 CENSUS)

Total all Languages		84,695
English	71,550	
Portuguese	2,975	
Philippino	1,865	
Italian	1,150	
Chinese	1,030	
French	525	
Polish	445	
German	445	
Vietnamese	425	
Ukrainian	420	
Cree	185	
Ojibway	135	
All others	3,545	

The Public Hearings of the Review Committee were held in the major population centres of the province from May through September, 1982. These Public Hearings were advertised in the press, on T.V. and radio with particular attention to publications and radio programs directed to Native communities. Special mailings were sent to Reserves and to local officials of the Manitoba Metis Federation. Members of the Advisory

Committee notified their counterparts of Hearings to be held in the various regions. In addition, direct contact was made with persons and organizations believed to have a contribution to make to this issue.

PUBLIC HEARINGS

Brandon	May 27 and 28, 1982
The Pas	June 21, 1982
Beausejour	July 6, 1982
Thompson	August 12, 1982
Dauphin	August 25, 1982
Winnipeg	September 9, 10 and 16, 1982

The Chairman made it known through public statements and direct mailings to Reserves and to regional officers of the Manitoba Metis Federation that he would welcome invitations to meet in local communities and would attend to hear directly from the people what they perceived to be the problems in child welfare and how they saw the problems being resolved.

The Special Hearings that were arranged were well-attended and provided an intensity of information which had not been possible in the Public Hearings. At the Special Hearings the Chairman heard stories from parents and grandparents who had lost children. There was the opportunity to hear formally and informally from children who had personally experienced the child welfare system. The discussions over sandwiches and tea proved valuable.

As was pointed out, the Metis communities did not come forward as had been anticipated. A member of the Advisory Committee did arrange for one meeting with local Metis people in Brandon which, although informative, did not provide the information essential to have impact on the direction of the Chairman's thinking. Only one meeting was requested by a Metis community but could not be scheduled.

SPECIAL HEARINGS

The Pas Reserve	October 20, 1982
Brokenhead Reserve	October 26, 1982
Peguis Reserve	November 5, 1982
Sandy Bay Reserve	November 22, 1982
Roseau River Reserve	November 25, 1982
Long Plain Reserve	January 4, 1983
Berens River Reserve	January 5, 1983
Churchill	February 10, 1983
Brandon	November 8, 1983

The Hearings at Berens River Reserve and Brokenhead Reserve were organized by Southeast Child and Family Services. The Reserves in the northern half of their region were all represented at Berens River and all the Reserves in the southern half of the region were represented at Brokenhead. A special effort was made by the organizers to have former foster children, foster parents, and children make presentations.

Similarly, the Dakota Ojibway Child and Family Services participated with the bands in organizing the Hearings at Long Plain and Roseau River. At these Hearings, presentations were made by children who had been placed elsewhere in foster and adoptive homes and were now back on the Reserve, by parents who had had children removed from them, and by foster parents.

The Peguis Reserve Hearing also involved representatives of other Reserves in the Interlake region.

The Chairman received 17 additional briefs.

The verbatim transcripts of the Public Hearings and all other written briefs received have been printed and distributed to a number of libraries. The content of all the presentations has been compiled in a report called the Issues Report which was submitted to the Minister of Community Services in September of 1984. (See Appendix)

In the course of the Public and Special Hearings many allegations were made or implied about the placement procedures of child care agencies. It was important that the Chairman understand what the agencies were actually doing and what those agencies perceived to be the ways in which changes could be made to adapt procedures to be more sensitive to Native concerns. It should be noted that all child care agencies were aware, or should have been, of the statements being made at the Hearings. The press and T.V. coverage had been thorough and, in fact, one station had filmed the Winnipeg Public Hearing in its entirety.

All child care agencies in the province were interviewed. Appointments with the agencies were made in advance. Each

Executive Director was free to decide which persons would be present at these interviews. The participation in these interviews varied from only the Director, the Director and senior staff, to the Director and a cross section of agency personnel. It is interesting in retrospect to note that at not a single meeting with the private agencies was a member of the board of directors invited to participate by the Executive Director.

In each interview exactly the same questions were asked. Although these questions were not sent out, it can be assumed that the agencies interviewed later were able to have their responses prepared in advance.

It had been initially hoped to conduct all the interviews within a short time span. This plan was altered when it was realized that three of the Indian agencies were not yet at a stage of development to have the experience necessary to respond to the questions.

AGENCY INTERVIEWS

Children's Aid Society of Eastern Manitoba - September 22, 1982

Interlake Region - September 23, 1982

Jewish Child and Family Services - September 24, 1982

Southeast Child and Family Services- September 28, 1982

Eastman Region - September 28, 1982

Children's Aid Society of Central Manitoba - September 29, 1982

Dauphin Region - October 5, 1982

Dakota Ojibway Child and Family Services - October 6, 1982

Children's Aid Society of Western Manitoba - October 6, 1982

Winnipeg Region - October 15, 1982

Children's Aid Society of Winnipeg - October 18, 1982

Thompson Region - October 19, 1982

The Pas Region - October 20, 1982

Sagkeeng Child and Family Services - November 10, 1982

Churchill Health Centre - February 10, 1983

Awasis Child and Family Services - October 12, 1983

Anishinaabe Child and Family Services - February 6, 1984

West Region Child and Family Services - February 22, 1984

The results of these interviews were compiled with 18 specific recommendations and submitted to the Minister of Community Services in July of 1984. (See Appendix)

The process of the review was interrupted in May of 1983 when the Minister of Community Services asked the Chairman to undertake a study of the group homes in the province funded through the child welfare system. This provided an opportunity for the Chairman to examine one segment of the system in considerable detail.

At the time the study was conducted, 77 group home facilities were operating in Manitoba. The Chairman undertook to visit 25 homes selected as being representative in terms of location, service level, age group served, and auspices. In addition, over 30 persons were interviewed to assist in the identification of the specific issues which required examination. The study included examination of all available operating manuals to identify cultural/ethnic/religious references.

The report of the Group Home Review was presented to the Minister and made public in October of 1983. (See Appendix) As the Chairman's informants were guaranteed anonymity, the dates and names of the group homes visited are not included here nor in the Group Home Report.

It was the publicly stated position of the child care agencies that placement of children out of province had provided a rarely used, but valuable, placement resource for certain children - sibling groups, older children and children defined by the agencies as "hard to place". The Chairman viewed an examination of the files of the children so placed to be essential to his study.

It was established that in 1981 a total of 108 children were placed out of province, 51 in Canada and 57 in the United States. Of these children, 93 were of Native descent (52 Treaty Indians, 4 non-Treaty Indians and 37 Metis). The Chairman personally examined the files (both the "adoption" file and the "family" file) of those 93 children.

The results of that examination were compiled in the File Review Report, presented to the Minister and made public in April, 1984. (See Appendix)

At the urging of the members of the Advisory Committee and based on material prepared by three of those members, the Chairman examined the issue of Post Legal Adoption Services. The results were submitted to the Minister in June, 1984. (See Appendix)

In addition, there were over 30 interviews and meetings with Native groups, educational institutions, religious leaders and foster parent organizations. Contacts have been made across Canada and in the United States. Over 100 books and articles have been studied.

This final report then is a culmination of over 2 years of study and reflects the recommendations of the Chairman based on:

- what the child care agencies said they were doing,
- what the community believed the child care agencies were doing,

- what the Chairman perceived to be the actual practises and procedures of the child care agencies, and
- what the literature revealed.

Based on information gathered through a wide variety of activities, this report does not necessarily repeat the findings and recommendations made in the six preliminary reports submitted. For those details, the earlier reports should be examined.

CHAPTER II

CHILD PROTECTOR'S OFFICE

> *Children's dependency renders them uniquely vulnerable to becoming the invisible casualties of institutions and systems which assume that by responding to the needs and demands of adults, they simultaneously and adequately address the needs of the children who depend on adults. On those adult intermediaries falls the responsibility to mediate between the child and the institutions of the larger society. And these intermediaries - however enlightened and energetic - face an almost impossible task in wrestling services for children from institutions who systematically ignore children and in no way recognize children as individuals.*
>
> *Admittance Restricted,*
> *The Task Force on the Child*
> *as Citizen,*
> *Canadian Council on Children*
> *and Youth, 1975*

In the course of the Chairman's investigations, presentations were made arguing the specific and special rights of the participants of the child welfare system.

While some potential conflicts in these rights were recognized, no suggestion was made as to how such conflicts might be resolved.

RECOMMENDATION 2. THE CHAIRMAN RECOMMENDS THAT A CHILD PROTECTOR'S OFFICE BE ESTABLISHED, RESPONSIBLE TO THE LEGISLATURE, TO ENSURE THAT ALL CHILDREN COMING BEFORE THE COURTS AND THOSE INVOLVED IN THE CHILD CARE SYSTEM HAVE THEIR INTERESTS PROTECTED, TO GUARANTEE THAT ALL PARTICIPANTS IN CHILD WELFARE CASES COMPREHEND THE PROCEEDINGS, TO RECEIVE AND INVESTIGATE COMPLAINTS ABOUT THE CHILD WELFARE SYSTEM, TO ACT AS ARBITRATOR WHEN REQUIRED, AND TO TAKE WHATEVER ACTION MIGHT BE NECESSARY TO PROTECT THE CHILDREN OF THE PROVINCE AND TO PROTECT THE INTERESTS OF SUCH CHILDREN.

Before discussing the role of the Child Protector, it is necessary to consider the rights of children as contained in the provisions of The Child Welfare Act and how those rights might be redefined.

The Child Welfare Act in effect in June, 1985, defined the "best interests of the child" as follows:

> *"best interests of the child" means the best interests of the child in the circumstances having regard, in addition to all other relevant considerations to*
>
> *(i) the mental, emotional and physical needs of the child and the appropriate care or treatment, or both, to meet such needs,*
>
> *(ii) the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure,*
>
> *(iii) the child's mental, emotional and physical stages of development,*
>
> *(iv) the effect upon the child of any disruption of the child's sense of continuity and need for permanency,*
>
> *(v) the merits and the risk of any plan proposed by the agency that would be caring for the child compared with the merits and the risk of the child returning to or remaining with his or her parents,*
>
> *(vi) the views and preferences of the child where such views and preferences are appropriate and can reasonably be ascertained, and*
>
> *(vii) the effect upon the child of any delay in the final disposition in the proceedings.*

This definition implies that children have certain rights - the right to an environment for healthy growth, the right to a family, the right to expeditious procedures, and the right to express an opinion. All these factors are subject to interpretation by individual workers, by agency policy, and ultimately by the court. Over time what constitutes a "family" has changed. The elements believed to constitute a healthy environment for emotional growth have changed.

In the presentations made to the Chairman, the Native people of Manitoba have charged that the interpretation of the term "best interests of the child" has been wrought with cultural bias in a system dominated by white, middle class workers, boards of directors, administrators, lawyers, and judges. They also alleged that in the application of the legislation, there are many factors which are crucially important to the Native people which have been ignored, misinterpreted, or simply not recognized by the child welfare system.

Many of these criticisms are valid. The Native people have challenged some of the cherished assumptions of the system - a system which sincerely believed that it was functioning to provide the very best for the children of the province.

The suggestions of the Native people were presented in their own self-interest, a fact that they recognized, verbalized and publicly proclaimed. What the Native people did not fully appreciate was that what they suggested as appropriate for Native people was equally appropriate for children and families of non-Native descent.

The Native people believe that there are certain moral rights which, while not embodied in current law, are equally important and which must be respected. The Treaty Indian presenters made the argument that Treaty Indian children who were adopted by non-Treaty families had a basic right to know that they were Treaty Indians and to understand the special privileges available as a result of their status. This basic right is now accepted by practise. Treaty Indian children do not lose their Treaty rights upon adoption and adopting parents are to be so informed at the time of the adoption. The child may secure detailed information when the age of majority is reached.

To ensure that Treaty Indian children placed in the past are also made aware of their legal rights under the Treaties, the federal government has cooperated with the provincial government and the private agencies to attempt to inform those children of their Treaty status.

It is the Chairman's opinion that the Indian people are correct in their desire to have their children, who in the past were placed away from their own family and communities, informed of their cultural background so that those children can make an informed choice as to whether or not they wish to reestablish contact with their cultural community.

This same principle applies to all children entering the child welfare system and placed away from immediate family. Where a child has a different ethnic or cultural background than the family in which it has been placed, that child has a right to knowledge of its own genetic roots. Adoptive families, foster families, group homes, and institutions have a responsibility to provide the child with information and experiences which will foster personal pride.

More than the above, every child entering the child welfare system has a right to expect that its ethnic and cultural background will be given full consideration in the plans made for care. The child has the right to expect the agency will make every effort to place it in an ethnically/culturally appropriate environment. The child has the right to expect that the ethnic/cultural community into which it was born will assume responsibility to make the necessary resources available.

RECOMMENDATION 3. **THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE THE REQUIREMENT THAT A CHILD'S CULTURAL HERITAGE BE CONSIDERED IN THE DETERMINATION OF ANY PLAN FOR THE CHILD.**

It should be noted that the Child and Family Services Act passed in the 1985 session of the Manitoba legislature does include provision for consideration of the child's "cultural and linguistic heritage".

For the child who enters the system when it is old enough to have memories of its own family, the child has the right to maintain those memories without any feelings of disloyalty to the family in which it has been placed. This right places responsibilities on the placing agency to secure information about the child's birth family and to make that information available to the adoptive or foster family. The agency further has the responsibility to assist the new family interpret that information for the child.

The right of a child to remain within its own sibling group must be recognized by the child care system and new methods of providing for such groups must be developed. The review of the files revealed that far too little attention has been paid to the relationships children have to their siblings. Statistically children had been listed as sole children when, in fact, they had brothers and sisters who were often placed elsewhere singly. The trauma caused to children who are simultaneously severed from contact with parents, siblings, relatives, friends, and community must be painful beyond endurance.

RECOMMENDATION 4. THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS

OF THE CHILD" BE AMENDED TO INCLUDE CONSIDERATION OF A CHILD'S RELATIONSHIP TO SIBLINGS.

For children that have been separated in the past, steps must be taken to enable contact to be reestablished if that is the wish of the siblings. The Adoption Registry is one mechanism that can be used.

RECOMMENDATION 5. **THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION RELATED TO THE POST ADOPTION REGISTRY BE AMENDED TO PROVIDE FOR REUNIFICATION OF SIBLINGS.**

There are a number of rights of parents which need to be clarified and articulated in law and reinforced by agency procedures.

At the present time when custody of a child is permanently removed from a parent, that parent loses all rights to the child as well as all responsibility.

The child welfare system is not consistent in its treatment toward the parent who has lost custody. When a parent voluntarily relinquishes an infant with the plan that the infant be placed for adoption, parental preference is considered with regard to the religion of the adoptive home although there is no such support for that action in law.

On the other hand, an older child may be removed from parents by the court, placed for adoption and the parents are treated as if they no longer exist. Such practise denies memory and the need of the older child to maintain a realistic concept of natural family as a base for developing a positive self-image.

The first right of a parent in coming in contact with the child welfare system is to be informed of the procedures which will effect whether they retain or lose custody of their child. Parents have the right to be spoken to in a language and in a manner that is comprehensible to them. They have the right to be informed how what they say and what they do can be used in the courts. They have a right to know what is likely to happen to their children if the children become wards of the child welfare system.

The Native people speak of "custom adoption" and wish this shared child rearing practise to be recognized in law. Essentially a custom adoption reflects the communal responsibility for raising a child. Custody of a Native child in a traditional community may be given by, or taken from, natural parents for a wide variety of reasons. Where custom adoption differs from the broader community's child welfare system is essentially the continued contact that the birth parents have with the child and the new parents and the lack of "confidentiality", as that term is used by child care professionals.

The evidence is growing that the claim of Native people about the ability of a child to relate to a number of adults in a child/parent role is healthy for development. It is particularly recognized that when custody of a child is transferred to another when the child is older, continued contact with the birth parent is not only desirable but should be required.

The Native people also argue that the right of a parent to continued contact with a child should be permitted to extended family members as well. The law today reflects the concept of a society composed of only nuclear or two generation families. This is no longer the Canadian reality. Many cultural groups in Canada have three, and even four, generation families with siblings or cousins assuming responsibility for raising each other's children.

The Indian community presents the proposition that it has a claim to any child born to any of its members in that the child represents the future of the Indian people as a distinct cultural group. That basic right of the Indian community has been recognized by the federal government through the provision of funds to tribal organizations for child welfare services. The provincial government has also acknowledged those rights by the development of protocols to insure that the appropriate Indian child and family services agencies are notified of the apprehension of any Treaty Indian child in the province and are provided with sufficient time to locate placement resources amongst extended family, band members, or in the tribal community.

RECOMMENDATION 6. **THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO REQUIRE THAT THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE NOTIFIED OF ANY INDIAN CHILD COMING INTO THE CARE OF ANY CHILD CARE AGENCY AND FURTHER, THAT "PROTOCOLS" BE ESTABLISHED BY REGULATION.**

It is evident that the rights of children, of parents, and of the community require further definition and must be incorporated into law to ensure that individual workers, agencies, and the court system will evaluate and weigh these many factors when attempting to define the best interests of a child.

It is equally evident that no matter how well-defined these rights may be, there will be times when the rights of a child may conflict with the rights of the parents or the rights of the parents may conflict with the rights of the cultural community. Some mechanism must be in place to ensure that the rights of all parties are presented to the court when a decision on a child's destiny must be made by the judge.

The child care agencies have presented the view that separate legal representation for the child is not necessary as they, as the mandated child care services, act as the protector of the child's interests. The evidence indicates that the role of the child care agency is compromised by the conflicting roles that have been thrust upon it by the legislation.

One of the duties of a child caring agency is to provide guidance and counselling to families. The agency is also required to protect children and, in that role, may have to use information gained in counselling sessions as evidence against the parents they were purporting to help. Similarly, as the agency responsible for the placement of children for adoption, recognizing the current overabundance of potential adoptive parents and the shortage of children available for adoption, the agency may not be able to be objective and fair in counselling an unmarried mother considering the available options for the child.

In essence then, the interests of the child, the parents and the agency may be in conflict.

This discussion leads to the description of the first function of a Child Protector's office - child advocacy.

The Manitoba Court of Appeal gave judgment in a case where a child, being dissatisfied with an order of permanent guardianship, contested that order with counsel acting for the child appointed pursuant to the Child Welfare Act. The Court of Appeal stated that the child had no standing before the courts and that a lawyer could only represent an infant through a next friend, a guardian, or the Public Trustee. The Court added that there is no provision in law for an infant directly instructing counsel. (Monnin, C. J. M., re: Children's Aid Society of Winnipeg v. Martin Cheung and Infant Martin)

In another case before the Court of Appeal, a 14 year old sought interim release pending an appeal. Again, the Court found that "the infant is not in a position to retain and instruct counsel and to initiate these steps other than with a guardian, guardian ad litem, or through the Public Trustee". (Huband, J. A., re: Her Majesty the Queen v. Wayne Witney Whincup) The judgment in this case was delivered May 25, 1985.

This may technically be the proper approach. The substantive problem lies in defining when a child ought to be given the right to take part in the legal process of which the child is a party.

Traditionally children's rights have been determined in the context of adversarial proceedings to which the child is not a party. It is expected that the facts necessary to rule on the best interests of the child will be exposed. To date counsel have only been appointed when the court is satisfied that the parties have not adequately put forward relevant information.

What is required is some institutionalization of a system which allows children to make their views known with respect to the determination of their best interests.

That children need someone to represent their interests in court proceedings has become increasingly recognized over the years. Perhaps what has not been sufficiently recognized is the special nature of advocacy for children and the specialized skills and knowledge necessary to carry out such a task effectively.

Regrettably, to date, representing children in both legal and child welfare matters has been seen as a training ground to gain experience in order to participate in the business of the higher courts. The specialized nature of child advocacy should make it one of the most awarding fields of law.

It is accepted that a judicial system should protect the weak; then clearly children, who are the most vulnerable members of our society, require the protection of the courts. When children are before a court, for whatever reason, they find themselves in a most complicated situation.

The court must have regard for both justice and the child's welfare. Justice deals with rules and principles, child welfare deals with individual needs. Justice is decided on past events, child welfare looks to the future. Justice needs to be enforceable, child welfare depends on personal relationships which no court can enforce.

Children find themselves as a bone of contention between parent and parent, or between parent and child welfare agencies. When decisions are made, what seems like justice to adults may not be consistent with a child's welfare. What the court finds to be best for the child's welfare may not appear to be justice to a child. The security of a parent, even an abusive or neglectful parent, may seem better to a child than the unknown.

Clearly a child's view may differ from those of the adults involved. A court may not be able to adhere to a child's views and preferences, but at least a decision of the court may be more acceptable to a child if the child's views have been put forward to the court.

Evidence of a child may not be reliable as a child's perception of truth varies considerably. Fantasy and reality may be confused in a child's mind. Communication with children may require a variety of techniques such as play, make believe, drawing interpretation, or extensive observation.

In child welfare matters, the child should be represented by counsel with sufficient expertise and training in child psychology and/or social work that the child's position can be clearly presented to the court.

At the present time, in custody cases, it is only when there is a suspicion of violence, ill-treatment, incest, or neglect that a home study is required. Such a report is regarded as being of extreme importance in determining issues of access.

The difficulties encountered in balancing justice and child welfare can be illustrated in the area of juvenile crime. Under the Young Offenders Act, an arbitrary age of 12 has been set. All child offenders under 12 years are regarded as being in need of care and protection rather than punishment. For children aged 12 to 17, the dichotomy between the concepts of child welfare and justice raises further problems.

Children need protection to ensure that they are not removed from their families without substantial cause. It has been observed that social workers tend to make idealistic judgments about family functioning and may view situations as neglect where no actual harm is likely to occur.

There appears to be a tendency of bureaucratic institutions to protect their own - to act to protect themselves rather than act in the interests of a child. This protectionist pose is understandable given the public's shocked reaction when a child is injured within a family with which an agency has been working. To forestall such situations, and such public criticism, children may be removed from a family on the basis of mere suspicion rather than facts.

Court procedures themselves produce other dilemmas. Justice requires a set of procedures. Difficult questions of law require careful consideration. Appeal procedures must be available.

Adults waiting for a court decision find the perceived delays difficult. How much more difficult must it be for a child whose future is at stake and to whom the passage of time is exaggerated.

There are then a number of issues related to advocacy for children. There is the need for independent representation for children; there is need to develop a new breed of advocate - part lawyer, part social worker; there is the need to develop court procedures which will be expeditious as well as just.

RECOMMENDATION 7. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE RESPONSIBLE FOR ENSURING THAT IN EVERY CASE INVOLVING THE CUSTODY OF A CHILD (CHILD WELFARE, CRIMINAL OR DIVORCE) THAT LEGAL COUNSEL IS ASSIGNED TO REPRESENT THE SPECIFIC INTERESTS OF THE CHILD IN THE PROCEEDINGS SUBJECT TO THE LAW RESPECTING APPOINTMENT OF COUNSEL BY GUARDIAN, NEXT FRIEND, OR TRUSTEE.**

RECOMMENDATION 8.

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR INITIATE DISCUSSION BETWEEN THE MANITOBA LAW SCHOOL AND THE MANITOBA SCHOOL OF SOCIAL WORK TOWARD THE DEVELOPMENT OF A SOCIAL WORK/LAW DEGREE IN CHILD ADVOCACY.

RECOMMENDATION 9.

THE CHAIRMAN RECOMMENDS THAT IN THE INTERIM, THE CHILD PROTECTOR PROMOTE AND INSTITUTE LEGAL TRAINING FOR SOCIAL WORKERS AND SOCIAL WORK TRAINING FOR LAWYERS IN THE AREAS OF CHILD WELFARE AND FAMILY LAW.

RECOMMENDATION 10.

THE CHAIRMAN RECOMMENDS THAT, IN KEEPING WITH THE CHILD ADVOCACY FUNCTION, THE CHILD PROTECTOR ENSURE THAT ALL PARTIES BEFORE THE COURTS IN MATTERS INVOLVING CHILDREN (CHILD WELFARE, CRIMINAL OR DIVORCE) ARE PROVIDED THE SERVICES NECESSARY TO ENSURE AWARENESS OF THE ISSUES BEFORE THE COURT, THE PROCEDURES OF THE COURT, THE IMPLICATIONS OF THE PROCEDURES, AND THE POSSIBLE OUTCOMES OF THE PROCEDURES. THIS SHALL BE ACCOMPLISHED BY THE PROVISION OF INTERPRETERS,

COURT COMMUNICATORS, AND PARAPROFESSIONALS.

No matter what safeguards are in place to ensure that children are responsibly dealt with within the child welfare system, situations will arise that require the intervention of an independent authority. The Director of Child Welfare, being responsible for the administration of the child welfare system, cannot stand in judgment of that system. The Director is responsible for the establishment of standards for child care agencies, and thus may reliably be expected to evaluate how well agencies function in accordance with those standards. The appropriateness of the standards themselves are not within the capacity of the Director to evaluate.

The court, on the basis of the evidence presented, may order that a child be returned to the parents. There is nothing to prevent the agency from reapprehending the child the next day. A new hearing would then be held with respect to that apprehension at which time the agency might present new or different evidence before the court.

When the court has ordered that a child be made a ward of an agency, the agency is free to implement any plan it feels is appropriate whether it is consistent with the information provided to the court or not. There is no obligation on the part of the agency to implement the plan which it presented to the court. Such a situation is an affront to the legal process and an injustice to the children that the child welfare system was established to protect.

Similar concern has been expressed in other jurisdictions. In its review of the child welfare system in Alberta, the Cavanagh Board of Review in its report of October 20, 1983, stated:

> *"We learned that some children were apprehended and put in temporary placements where they remained for a long time before anything was done to plan their futures, either with a view to restoring them to their families or making plans for them in care. We were told that children who became temporary wards were often placed by a social worker and then forgotten."*

A mechanism must exist that holds agencies accountable, in a systematic fashion, for the treatment of their wards so that either plans presented to the courts are implemented or the agency can justify why this has not occurred.

The fact that a new plan may be followed is not necessarily a fault. New facts may render the original plans redundant. New resources may make it possible for a child to be maintained in a less disruptive situation. It may be that anticipated resources were found to be unavailable. The agencies must be held accountable for their actions.

In Ontario, the legislation provides for a review of crown wards. Such reviews are carried out by a team of experienced people who have been front line workers, supervisors, or department heads in child welfare agencies. In such reviews, selected cases are examined and certain conclusions reached regarding the total caseload and the adequacy of the service being given to the children in care.

While the Ontario review system has value, it is not felt to be sufficiently comprehensive to ensure that all children are dealt with in a responsible manner by the child care agencies.

RECOMMENDATION 11. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR, ON A REGULAR, SYSTEMATIC BASIS, NOT LESS FREQUENTLY THAN EVERY SIX MONTHS, EXAMINE THE FILES OF ALL CHILDREN WHO ARE WARDS OF THE CHILD CARE SYSTEM TO ENSURE COMPLIANCE WITH LEGISLATED RESPONSIBILITIES.**

RECOMMENDATION 12. **THE CHAIRMAN RECOMMENDS THAT, ON THE BASIS OF THE ABOVE, THE CHILD PROTECTOR IDENTIFY THOSE INDIVIDUAL CASES OR GROUPS OF CASES WHICH REQUIRE REVIEW BY THE COURT AND SHALL CAUSE SUCH CASES TO BE BROUGHT BEFORE THE COURT.**

RECOMMENDATION 13. **THE CHAIRMAN RECOMMENDS THAT THE CASES OF ALL PERMANENT WARDS OF CHILD CARE AGENCIES BE BROUGHT BEFORE THE COURT FOR REVIEW AT THE END OF ONE YEAR FROM THE DATE THAT THE CHILD WAS MADE A PERMANENT WARD AND EACH YEAR THEREAFTER UNTIL EITHER THE CHILD REACHES THE AGE**

OF MAJORITY, IS ADOPTED, OR IS NO LONGER A PERMANENT WARD.

In addition to monitoring the cases of individual children, the Child Protector must ensure that the system itself is functioning responsibly. The Child Protector will have an advantage not possible just a few years ago. As the child welfare system is currently being computerized, the Child Protector will be able to tie into that system. This will enable the securing of necessary case and statistical data without placing an administrative burden upon agency and directorate staff.

RECOMMENDATION 14. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR MONITOR THE STATISTICAL DATA PREPARED BY THE DIRECTOR OF CHILD WELFARE AND BE MANDATED TO EXAMINE, OR CAUSE TO BE EXAMINED, ANY FACET OF THE SYSTEM AS IS DEEMED TO BE NECESSARY.**

The Child Protector's investigative authority should permit examination of the policies and practises of all programs whether such programs are administered by the government, by private agencies, by private profit or non-profit organizations, or by special contractual arrangements. Out-of-province programs to which Manitoba children might be sent for treatment should also be within the Child Protector's investigative responsibilities.

The range of programs which would be subject to scrutiny by the Child Protector would include foster homes, probationary adoptive homes, group homes, residential centres, institutions, day care centres, and emergency and assessment residential facilities.

RECOMMENDATION 15. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE MANDATED TO RECEIVE AND INVESTIGATE ANY COMPLAINT AGAINST ANY INDIVIDUAL OR PROGRAM WITHIN THE CHILD CARE SYSTEM FROM ANY PARTY, INCLUDING CHILDREN.

Upon completion of an investigation, the Child Protector must take whatever action is necessary to rectify the situation which caused the original complaint should it be found that the complaint was warranted.

If the problem relates to a specific child and a specific program, the Child Protector would report the findings and recommendations to the Director of Child Welfare for appropriate corrective action. If the finding revealed a systemic problem, the report and recommendation might be submitted to the Director of Child Welfare, the Minister of Community Services, and/or the legislature. Under no circumstances must the Child Protector be inhibited from speaking out publicly on any problem or issue as long as the privacy of individuals is ensured.

If, in the course of the investigation of a complaint, the Child Protector has reason to believe that illegal or criminal events have occurred, the matter shall be immediately referred to the police or the Attorney General's Department.

RECOMMENDATION 16. **THE CHAIRMAN RECOMMENDS THAT UPON COMPLETION OF AN INVESTIGATION INTO A COMPLAINT, THE CHILD PROTECTOR SHALL PRESENT THE FINDINGS AND THE RECOMMENDATIONS FOR CORRECTIVE ACTION TO THE APPROPRIATE AUTHORITY.**

The third major responsibility area of the Child Protector shall be that of child abuse. Currently lodged in the office of the Director of Child Welfare, the functions carried by the Abuse Coordinator would more properly fall within the scope of the Child Protector. This is particularly so because the many disciplines required to detect and treat the victims of child abuse are found within many government and non-government service structures - child welfare, community services, education, law enforcement, health, private medicine, and the public media.

RECOMMENDATION 17. **THE CHAIRMAN RECOMMENDS THAT THE FUNCTIONS OF THE CHILD ABUSE COORDINATOR BE TRANSFERRED TO THE OFFICE OF THE CHILD PROTECTOR.**

There are three functions related to child abuse:

- maintenance of the child abuse registry,
- development of multidisciplinary teams throughout the province, and
- case monitoring.

The existing Child Welfare Act contains provisions dealing with child abuse. In April of 1984 guidelines on child abuse were released by the Ministers of Community Services, Health, Education, and the Attorney General.

RECOMMENDATION 18. **THE CHAIRMAN RECOMMENDS THAT THE GUIDELINES RELATED TO CHILD ABUSE CASES BE EMBODIED IN THE LEGISLATION AND REGULATIONS.**

Statistics prepared by the Child Abuse Coordinator based on data secured from the child abuse registry indicate that there were 693 cases of child abuse reported in 1984. Informed sources indicated that this number represents less than 50% of the actual number of cases of child abuse. It is generally agreed that it will be some years before the statistics reliably reflect the actual situation and this will depend to a great extent on the amount of public education on the subject that is conducted.

The 1984 statistics reveal a 222% increase in reported cases since 1979 and a 20% increase over 1983. This increase is recognized as an indication of greater awareness of the problem and greater willingness to report cases to the local child care agency rather than an actual increase in child abuse.

It must also be noted that the child abuse registry, and thus the statistics, record only intra-familial abuse cases and do not include "third party assaults" which are investigated by child care agencies but are not reported to the registry.

RECOMMENDATION 19. **THE CHAIRMAN RECOMMENDS THAT ALL CASES OF CHILD ABUSE BE REPORTED TO THE CHILD ABUSE REGISTRY.**

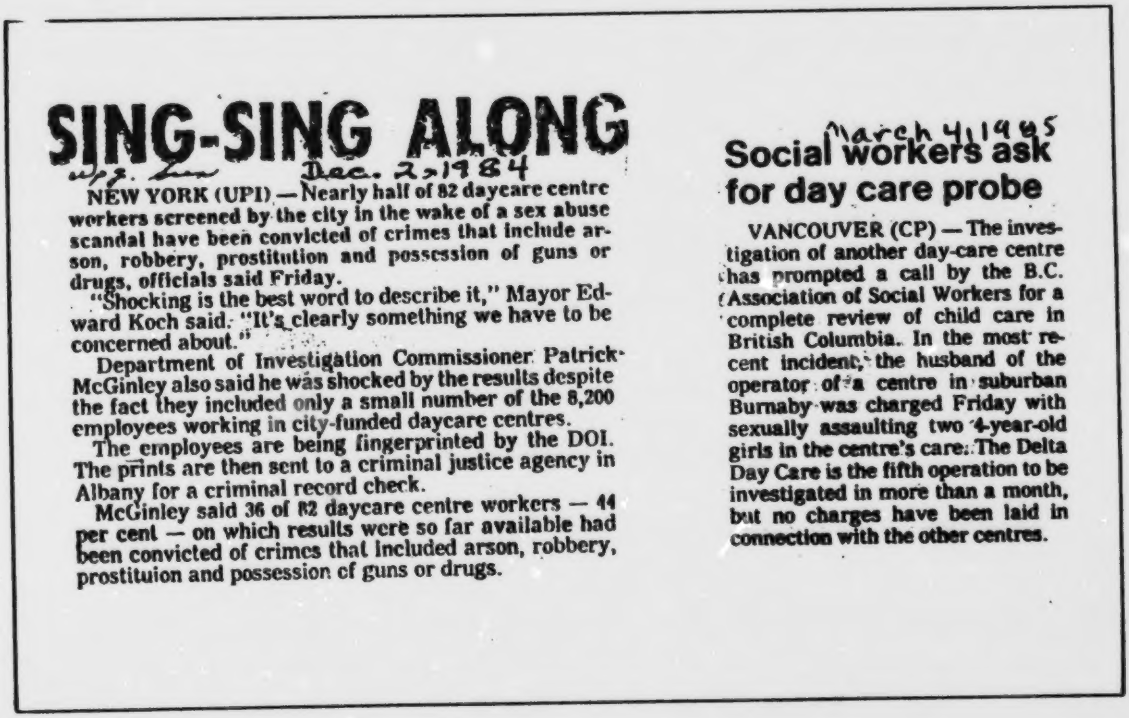
The present limitation of the child abuse registry to family abuse is a reflection of the auspices under which it has been operating - i.e., the Child Welfare Directorate. If it is important for there to be a record of a parent or a stepparent who has abused a child within the family setting, surely it is equally important that the names of non-family members be recorded in the interests of protecting children. While it is possible for a child to experience abuse from a total stranger, it is more likely that abuse will be perpetuated by someone familiar - a babysitter, a scout leader, an athletic coach, a day care worker, a teacher, a foster parent, a group home worker - someone who has easy and regular access to a child and is in a position to trust.

The recording of the name of a convicted child abuser serves no purpose if it is used merely for statistical purposes. At the present time, only child care agencies have access to the information on the registry. Again, this is a reflection of the auspices under which the register operates.

It would seem that programs which involve children for extended periods of time (day care centres, foster homes, treatment institutions, schools, recreation programs, hospitals) have a legitimate interest in ensuring that they do not employ, or accept as a volunteer, a person who has been recently convicted of a child abuse charge.

RECOMMENDATION 20. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR DEVELOP PROCEDURES TO ENSURE**

THAT PROGRAMS WHICH EMPLOY STAFF OR RECRUIT VOLUNTEERS TO WORK WITH CHILDREN DO NOT UNWITTINGLY PLACE CHILDREN AT RISK OF ABUSE FROM A PERSON IN WHOSE CARE THEY HAVE BEEN PLACED AND THAT SUCH PROGRAMS BE MONITORED REGULARLY.



SING-SING ALONG

Wpg. Sun Dec. 2, 1984

NEW YORK (UPI) — Nearly half of 82 daycare centre workers screened by the city in the wake of a sex abuse scandal have been convicted of crimes that include arson, robbery, prostitution and possession of guns or drugs, officials said Friday.

"Shocking is the best word to describe it," Mayor Edward Koch said. "It's clearly something we have to be concerned about."

Department of Investigation Commissioner Patrick McGinley also said he was shocked by the results despite the fact they included only a small number of the 8,200 employees working in city-funded daycare centres.

The employees are being fingerprinted by the DOI. The prints are then sent to a criminal justice agency in Albany for a criminal record check.

McGinley said 36 of 82 daycare centre workers — 44 per cent — on which results were so far available had been convicted of crimes that included arson, robbery, prostituion and possession of guns or drugs.

March 4, 1985

Social workers ask for day care probe

VANCOUVER (CP) — The investigation of another day-care centre has prompted a call by the B.C. Association of Social Workers for a complete review of child care in British Columbia. In the most recent incident, the husband of the operator of a centre in suburban Burnaby was charged Friday with sexually assaulting two 4-year-old girls in the centre's care. The Delta Day Care is the fifth operation to be investigated in more than a month, but no charges have been laid in connection with the other centres.

The above newspaper stories indicate that a check of the abuse registry should not substitute for a police check for convictions of other crimes which would indicate that a person should not be put in charge of children.

It cannot be assumed that a provincial abuse registry will protect children from being placed in positions of danger. Canada has become a mobile nation with the population moving from province to province in search of employment opportunities, as a result of early retirement, or returning to a home community in times of economic recession. A foster parent in British Columbia may have been found guilty of child abuse in Ontario. A volunteer baseball coach in Nova Scotia may have abused a child while teaching in Alberta.

RECOMMENDATION 21. THE CHAIRMAN RECOMMENDS THAT A NATIONAL ABUSE REGISTRY BE ESTABLISHED.

Another noted limitation to the present abuse registry is the fact that information is only available during regular working hours. Abuse does not always occur between 9 to 5 on weekdays. It is more likely that child abuse will take place during the evenings or on weekends.

When the police or hospital personnel become involved in after-hour situations, it is essential that, when a child's injuries appear to be abuse-caused, it can be determined whether the family or the caregiver has a previous history of abusing children. It is not necessary that the hospital or police have access to all the details of previous incidents of abuse but just enough to alert them that sending a child back home may be dangerous.

RECOMMENDATION 22. THE CHAIRMAN RECOMMENDS THAT AUTHORIZED PERSONNEL WHO MIGHT BECOME INVOLVED IN EMERGENCY SITUATIONS OF SUSPECTED CHILD ABUSE HAVE ACCESS ON A 24 HOUR BASIS TO IDENTIFYING DATA FROM THE CHILD ABUSE REGISTRY THROUGH A COMPUTER CONNECTION.

Clearly, if the child abuse registry is to be used to record the names of those involved in confirmed situations of child abuse - child, family of child, and offender - every effort must be made to ensure that the registry itself is not guilty of abuse. Procedures for the ethical operation of the registry must be developed.

Certainly persons who are listed on the registry as an abuser have a right to be notified that they have been so listed and must be given the opportunity to refute the information listed about them. In cases of dispute between the individual and the administrators of the registry, an individual should have a right to appeal to an independent body or a court for a fair hearing to determine whether the listing is justified or not. There must also be a mechanism and rules for the deletion of names from the registry.

RECOMMENDATION 23. **THE CHAIRMAN RECOMMENDS THAT AN ETHICAL PROTOCOL BE DEVELOPED TO ENSURE THAT THE NAMES OF THOSE NOT FOUND GUILTY OF ABUSE ARE PURGED FROM THE REGISTRY, THAT PERSONS WHOSE NAMES APPEAR ARE NOTIFIED, THAT PERSONS HAVE THE RIGHT TO VIEW THEIR FILE AND SUBMIT INFORMATION FOR INCLUSION ON THE FILE TO PRESENT THEIR POSITION, AND, FURTHER, THAT PERSONS HAVE ACCESS TO LEGAL PROCEDURES TO SEEK REMOVAL OF THEIR NAMES FROM THE REGISTRY.**

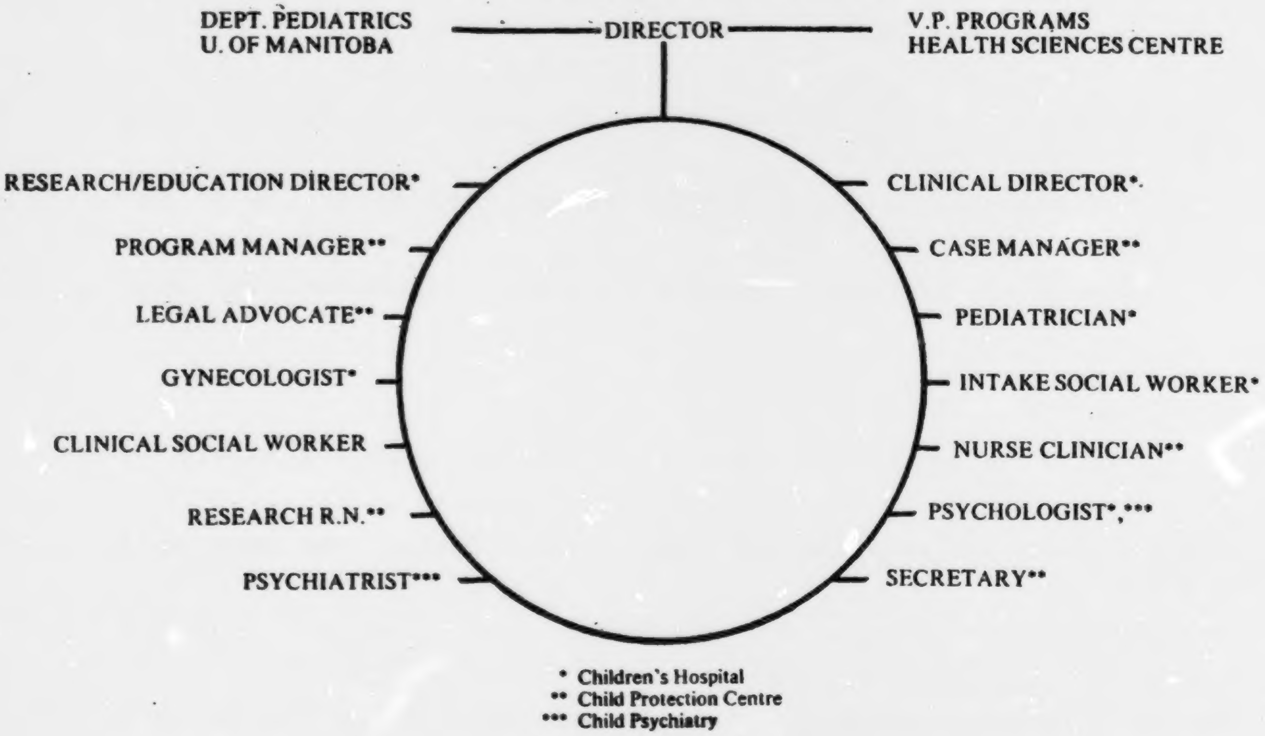
Experience in Manitoba and elsewhere has indicated that the identification and treatment of children subject to abuse requires a multidisciplinary approach. No single field or profession can supply the range of skills and knowledge necessary to meet the demands of this area of concern.

Further, the making of a decision related to a child in a risk situation is far too important and complex to be left to a single profession or to a single agency. The expertise of the professions of medicine, psychiatry, law, education, nursing, and social work must be utilized.

The Child Protection Centre at the Children's Hospital in Winnipeg was established in 1982. This Centre has developed intervention strategies and treatment techniques for children who have been physically, sexually and emotionally abused, and their families based on a multidisciplinary approach. Research is an integral part of the program so that performance is under constant scrutiny and evaluation aimed at developing and improving treatment techniques.

In the June, 1984, edition of Canada's Mental Health, an article by Mills, Gravenor and McRae illustrates the staff composition of the Child Protection Centre as follows:

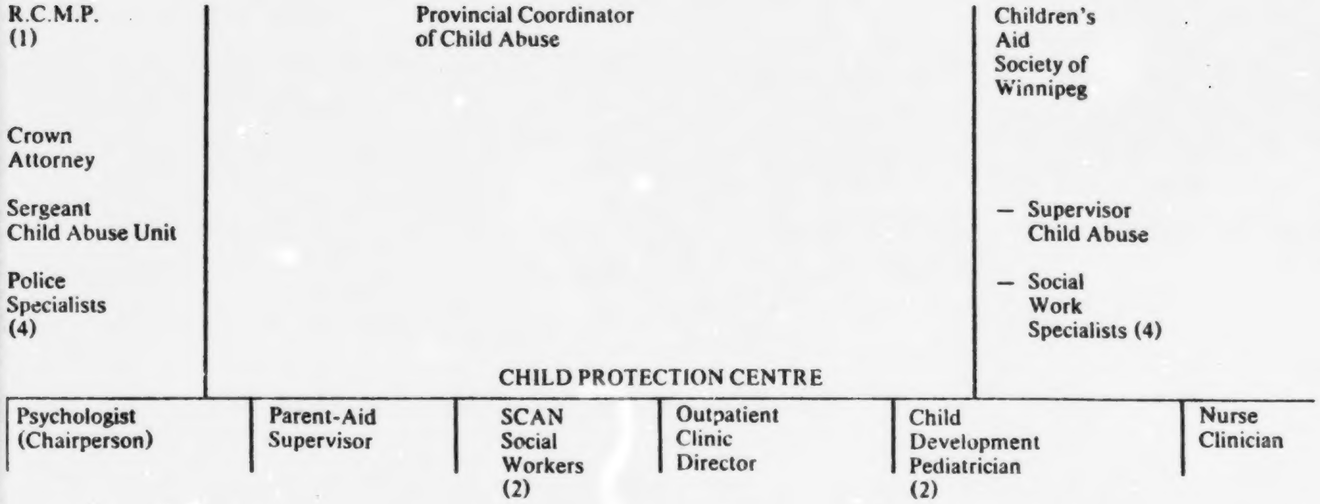
FIGURE 1:
Children's Hospital Child Protection Centre


DEPT. PEDIATRICS
U. OF MANITOBA
DIRECTOR
V.P. PROGRAMS
HEALTH SCIENCES CENTRE
RESEARCH/EDUCATION DIRECTOR*
CLINICAL DIRECTOR*
PROGRAM MANAGER**
CASE MANAGER**
LEGAL ADVOCATE**
PEDIATRICIAN*
GYNECOLOGIST*
INTAKE SOCIAL WORKER*
CLINICAL SOCIAL WORKER
NURSE CLINICIAN**
RESEARCH R.N.**
PSYCHOLOGIST*,***
PSYCHIATRIST***
SECRETARY**
* Children's Hospital
** Child Protection Centre
*** Child Psychiatry

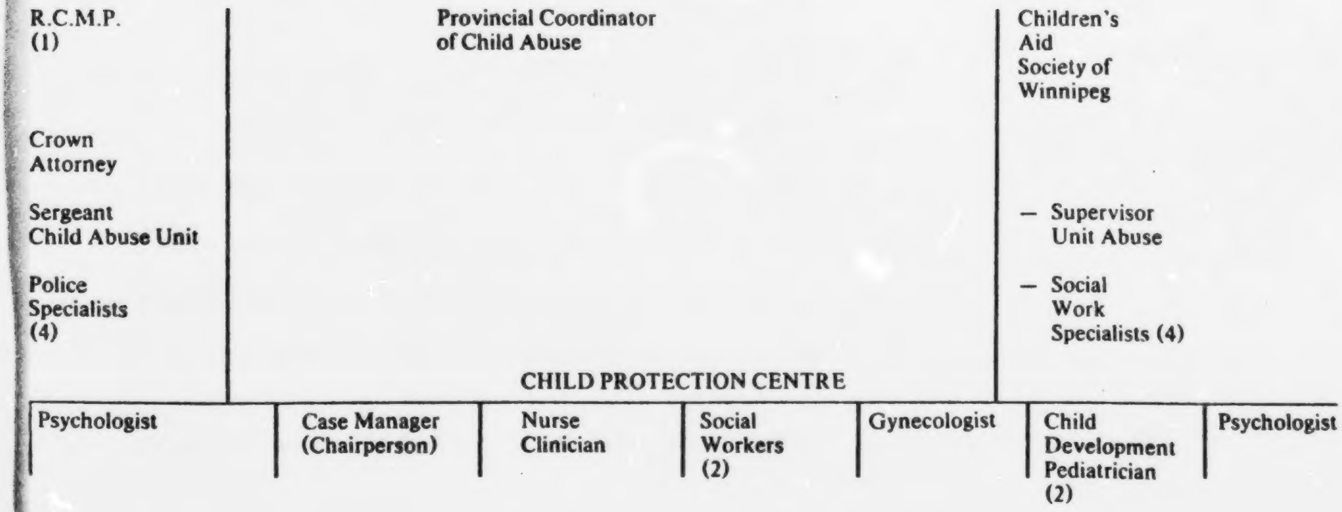
The same article illustrates the committees necessary to deal with cases of abuse and the professional or program specialists who should be involved. The Centre indicates a slight difference in the composition of committees to deal with physical abuse and those for sexual abuse cases.

FIGURE 2:
Team Members

A) Physical Abuse Committee


R.C.M.P.
(1)
Crown
Attorney
Sergeant
Child Abuse Unit
Police
Specialists
(4)
Provincial Coordinator
of Child Abuse
Children's
Aid
Society of
Winnipeg
— Supervisor
Child Abuse
— Social
Work
Specialists (4)
CHILD PROTECTION CENTRE
Psychologist
(Chairperson)
Parent-Aid
Supervisor
SCAN
Social
Workers
(2)
Outpatient
Clinic
Director
Child
Development
Pediatrician
(2)
Nurse
Clinician

B) Sexual Abuse Committee


R.C.M.P.
(1)
Crown
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Sergeant
Child Abuse Unit
Police
Specialists
(4)
Provincial Coordinator
of Child Abuse
Children's
Aid
Society of
Winnipeg
— Supervisor
Unit Abuse
— Social
Work
Specialists (4)
CHILD PROTECTION CENTRE
Psychologist
Case Manager
(Chairperson)
Nurse
Clinician
Social
Workers
(2)
Gynecologist
Child
Development
Pediatrician
(2)
Psychologist

The above was developed to deal with cases brought to the attention of the Children's Hospital in Winnipeg. The staff of the Child Protection Centre have offered consultation, advice, training, and encouragement towards the development of multi-disciplinary abuse teams outside the Winnipeg area. The resources outside Winnipeg, while improving, have not yet reached the level of expertise available at the Children's Hospital. Steps must be taken to ensure that the children outside the City of Winnipeg have available to them the same resources and skills.

RECOMMENDATION 24. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ASSUME LEADERSHIP IN DEVELOPING INTERDISCIPLINARY CHILD ABUSE COMMITTEES AND TREATMENT CENTRES IN EVERY REGION OF THE PROVINCE AND THAT THE EXPERTISE OF THE CHILDREN'S HOSPITAL CHILD PROTECTION CENTRE STAFF BE UTILIZED TO ACHIEVE THIS GOAL.**

The January, 1985, report of the Manitoba Advisory Council on the Status of Women identifies recent developments in this area. The St. Boniface Hospital is reported to have developed a child abuse committee, but not a special unit for the treatment of victims and their families.

Child abuse committees are known to be established in the Dauphin Region, Thompson Region, and in the Brandon Region. At least one Indian child and family services agency, Awasis, has developed protocols for the handling of child abuse cases. The protocols involve the local child care committees, local police or RCMP, education and health personnel, along with the child care staff for a multidisciplinary/community approach to the issue and the specific cases.

RECOMMENDATION 25. **THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR PROVIDE THE NECESSARY EXPERTISE TO LOCAL CHILD ABUSE COMMITTEES FOR THE DEVELOPMENT OF PROTOCOLS WHICH WILL REFLECT THE SPECIAL CULTURAL/ETHNIC/SOCIETAL PATTERNS OF THE REGIONS AND THE LOCAL COMMUNITIES.**

The population distribution of the province and the tendency of some professionals to prefer working in the major population centre will probably mean that service distribution in the province will always be inequitable. Many approaches must be taken to minimize such discrepancies including the provision of travelling teams of experts, special bonuses for service in remote communities, and special training opportunities. In an area as sensitive as the identification and treatment of child abuse, special attention must be paid to ensure that local services are up to standard.

RECOMMENDATION 26. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ESTABLISH A SYSTEM FOR MONITORING THE LOCAL RESPONSE SYSTEMS TO REPORTS OF CHILD ABUSE.

The specific tasks which have been outlined for the Child Protector do not exclude the broad responsibilities which such an office shall carry. The Child Protector will be in a unique position to view many segments of the systems which impact on the lives of children.

RECOMMENDATION 27. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE EMPOWERED TO DO ANY ACT, CONDUCT ANY STUDY OR INVESTIGATION,

> **RECOMMEND TO ANY INDIVIDUAL, ORGANIZATION, GOVERNMENT DEPARTMENT, OR THE GOVERNMENT ON ANY TOPIC WHICH AFFECTS THE SAFETY AND SECURITY OF THE CHILDREN OF THE PROVINCE.**

The above would include authority to examine the procedures of the child welfare system, the court system, the health delivery system, or any system which affects the health, safety, or basic rights of children.

The Child Protector would be expected to examine all legislation which affects children to identify where changes may be necessary. The Child Protector would be expected to identify areas within the child welfare and court systems where staff training is needed and to facilitate the provision of such training. The Child Protector would identify areas in which basic and applied research should be conducted and expedite the conduct of such research. The Child Protector would undertake, or cause to be undertaken, any action which will enhance the lives of the children of the province.

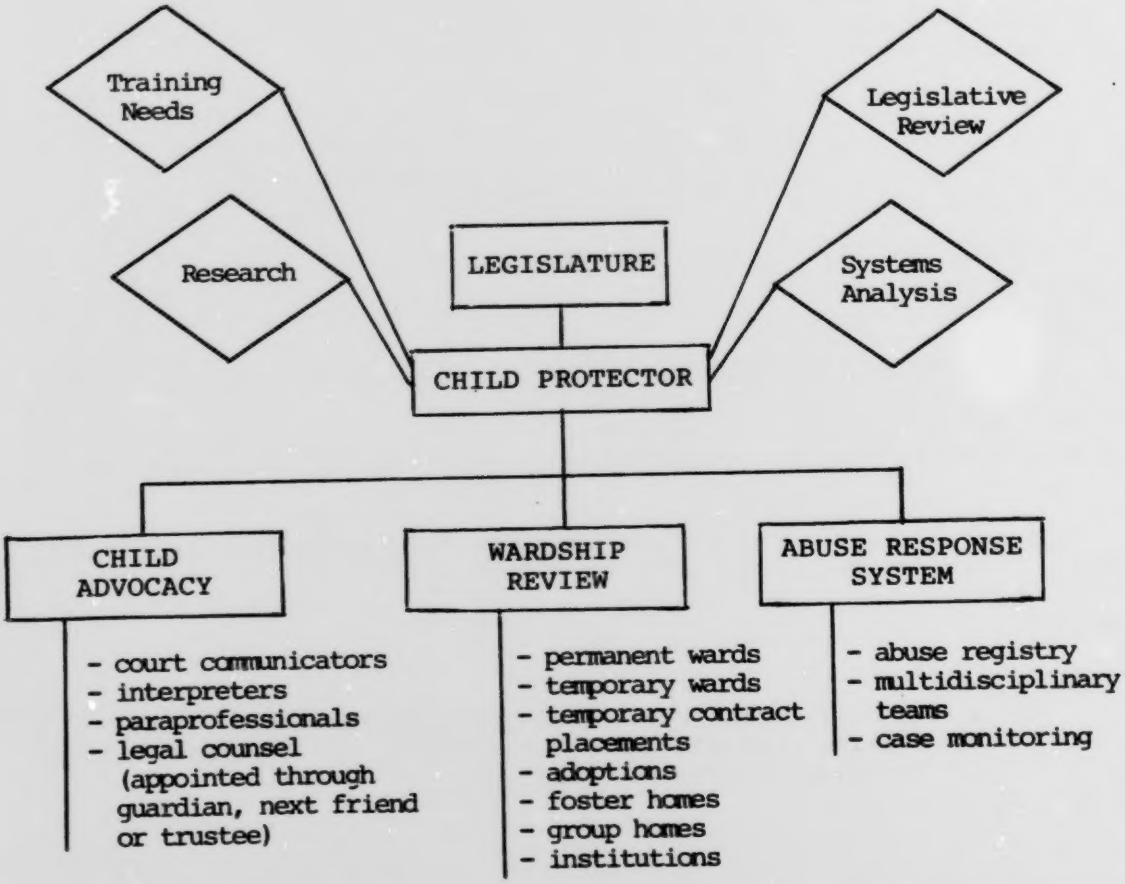
The Child Protector will relate primarily to two government departments - Child Welfare and the Attorney-General's Department. The Child Protector's authority would also extend into the Departments of Health, Education, and any other department or agency having to do with children.

It would, therefore, be inappropriate for the Child Protector's office to be lodged in any department of government.

It is believed that the position of Child Protector recently announced for Alberta will be severely limited in authority as the position will report to the Deputy Minister of Social Services. Such a location will seriously inhibit functioning but, more importantly, the position will be perceived to lack independence.

Consideration was given to the possibility of expanding the Ombudsman's role to incorporate the functions of the Child Protector. This was not seen as an appropriate option. The Child Protector is expected to "perform" certain functions. The Ombudsman's position of authority would be jeopardized by the responsibility to provide such services. The skills required of the Child Protector are somewhat different than those sought in the Ombudsman.

RECOMMENDATION 28. **THE CHAIRMAN RECOMMENDS THAT THE POSITION OF CHILD PROTECTOR BE ESTABLISHED BY AUTHORITY OF THE LEGISLATURE AND BE SUBJECT TO, AND ONLY TO, THE WILL OF THE LEGISLATURE.**


Training Needs
Research
LEGISLATURE
Legislative Review
Systems Analysis
CHILD PROTECTOR
CHILD ADVOCACY
- court communicators
- interpreters
- paraprofessionals
- legal counsel (appointed through guardian, next friend or trustee)
WARDSHIP REVIEW
- permanent wards
- temporary wards
- temporary contract placements
- adoptions
- foster homes
- group homes
- institutions
ABUSE RESPONSE SYSTEM
- abuse registry
- multidisciplinary teams
- case monitoring

CHAPTER III

INTERNAL REVIEW SYSTEM

> *The challenge of internal administrative case review is the challenge of change from within. External case review systems have the advantage of an outside perspective and public mandate to effect institutional change; however, citizen reviewers may lack the authority to implement recommendations and a firsthand knowledge of the realities facing agency staff. Conversely, internal case review systems have closer connections to those individuals who make and implement policy, but, as critics point out, "social workers talking to social workers" may discourage questioning of present practice and agency assumptions.*
>
> *Barbara Sparks,*
> *Permanency Report,*
> *Summer, 1983*

Throughout this study, it was evident that the child welfare system lacked accountability at every level of operation.

In the course of the review, the following incidents were noted:

- a social worker was able to describe how 4 hours a week were used and said the balance of time was devoted to "administrative detail",

- a program coordinator could provide the capacity of the program but did not know how many children were actually in the program.

- judges were being informed in court that there were no vacancies in group homes when group homes were reporting openings.

- one agency was filling foster homes and group homes beyond the licensed capacity while another agency had vacant, approved homes and the potential for many more.

- the story was told, too often to be ignored, of children taken into temporary custody and parents never again informed of their whereabouts.

- statistics indicated that children being placed for adoption were sole children when, in fact, they were members of sibling groups.

- group homes reported that social workers seldom, if ever, visited the children they had placed in the homes and told of requests for visits which were ignored by workers.

- parents who had had children removed from them and placed in temporary custody reported that the social workers never visited.

- children told of being placed in facilities specializing in the treatment of adult drug addicts.

- a group home which had lost its licence because it did not meet physical standards or program expectations was reported to have been used as a foster home by an agency.

- an agency told of not bothering to check the references provided by potential foster and adoptive parents because of the assumption that only persons who would give positive information would be listed as references.

- a social worker described a telephone conversation with an American agency during which permission was given to place a child in a second adoptive home after the first placement had broken down. There was no notation on the file of this conversation nor was the discussion confirmed in writing.

- a child was found to have been a resident of a receiving home for 2 years subject to rotating staff and rotating peer group.

Whether child care services are provided by the provincial regional offices or by private agencies, the cost of those services is covered by public dollars. The citizens of the province have a right to know that their money is being used wisely and responsibly and that the best value possible is being obtained for the money.

At the present time no such assurance can be given. This is not to imply that money is being wasted. But it certainly means that if the best value for money is being secured, the child welfare system is not able to document that fact. There is no accountability within the system.

As a first step there is the need to build accountability at the worker level. Whether the direct service persons are professionals or paraprofessionals, it should be expected that they be accountable for their time and performance.

A recent study conducted in Jackson County, Missouri, by

David Caplovitz and Louis Genevie involving the examination of files of foster children revealed that within the previous year there was no record of visits with the child in 74% of the cases, no record of visits with the natural parents in 77% of the cases, and in 92% of the cases there was no record of contact with the foster parents.

There is nothing to indicate that an examination of files in Manitoba would give a substantially different picture. In fact, the information available would strongly suggest that workers are not visiting their wards with any degree of regularity.

The technology is available to enhance responsible behaviour. Computers can be used to assist workers schedule their time, to remind them of visits that are due, and to alert worker and supervisor when special attention should be directed to certain cases. There is portable dictating equipment, telephone hookups to in-office dictating machines, pocket pagers, and radio telephones. There is every resource to enable workers to use their time effectively and efficiently and to keep the files up-to-date and complete.

RECOMMENDATION 29. THE CHAIRMAN RECOMMENDS THAT THE AGENCIES BE ENCOURAGED TO SECURE AND USE AVAILABLE TECHNOLOGICAL EQUIPMENT TO ENABLE WORKERS TO BETTER MONITOR THEIR CASES, PLAN THE USE OF THEIR TIME, AND KEEP THEIR RECORDS CURRENT.

The preparation of case summaries on a regular basis should be a requirement of employment. Such summaries provide the worker with the opportunity to evaluate what has occurred to date in a case, to discuss with the client what would be mutually acceptable goals for the next time span, to secure the assistance and advice of the supervisor, and to form a data base for self-evaluation.

RECOMMENDATION 30. THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE MANDATED TO COMPLETE CASE SUMMARIES AT LEAST EVERY SIX MONTHS AND AT THE TIME A CASE CLOSES. SUCH SUMMARIES SHOULD BE READ, CHECKED, AND INITIALED BY THE SUPERVISOR. FAILURE TO

COMPLETE SUCH SUMMARIES IN A SATISFACTORY MANNER SHOULD BE GROUNDS FOR TERMINATION OF EMPLOYMENT.

Either through training or supervision, staff must be encouraged to develop the ability to assess their own performance in an objective manner. Under the present system, workers can provide only subjective information on the nature of their caseloads and the success or failure rate of their activities. An example of inaccurate perception is the tendency to exaggerate the percentage of cases in a caseload which would be described as "multiproblem families". Such families consume a large percentage of a worker's time and thus the worker's estimate of the number of such cases is magnified.

RECOMMENDATION 31. **THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE PROVIDED WITH TECHNICAL TRAINING AND ASSISTANCE TO LEARN TO TABULATE AND ANALYZE THEIR CASELOADS ANNUALLY TO ESTABLISH TRENDS, EVALUATE PROFESSIONAL EFFECTIVENESS, AND TO IDENTIFY FORMAL AND INFORMAL TRAINING NEEDS.**

In the course of interviews with agencies, the matter of caseload distribution in the larger agencies caused some concern. It appeared that workers assigned to the most difficult cases (child protection) were those with the least professional experience while those with less stressful caseloads (adoption) had the most extensive professional experience.

It is recognized that some workers may have a particular interest and aptitude in certain phases of the child welfare system. The effective use of special talents should always be encouraged. However, attention should be given to the distribution of cases to reduce stress and to provide staff members with a sense of effectiveness and job satisfaction.

RECOMMENDATION 32. **THE CHAIRMAN RECOMMENDS THAT AGENCIES CONSIDER CASELOAD DISTRIBUTION TO TAKE INTO ACCOUNT EDUCATION AND SKILLS REQUIRED FOR SPECIFIC TASKS AND A BALANCING OF RESPONSIBILITIES TO ENSURE JOB SATISFACTION AND REDUCE STAFF TURNOVER.**

Only in a positive work environment can staff be expected to engage in continuous self-evaluation. The most basic ingredient of an accountable system is the line worker who can be self-critical and receptive to examination of work performance by supervisors, administrators, and program evaluators.

It is perceived that there is a tendency among social workers - a tendency which must be overcome - to be "precious" about their own work. Viewing themselves as "professionals", they resist any examination of their work by others, claiming that as professionals they set their own goals, evaluate progress towards those goals, and that they, and they alone, can judge effectiveness.

The position is presented that in the child welfare field (as opposed to private practise) social workers are functionaries of a publicly financed system, paid to perform certain mandated tasks, responsible through the administrative hierarchy to the legislature and to the public and, as such, should be subject to evaluation and expected to maintain defined levels of performance. The only demand that social workers can make is that the evaluators have the same standards of ethics in maintaining confidentiality and that study results are never presented in a manner which would allow identification of individual clients.

Supervisors have multiple roles to play. (For purposes of this discussion, a supervisor is considered to be at any and all levels between direct service personnel and agency director - the size of the agency would dictate the number of administrative levels this might involve.)

A supervisor should, but often does not, act as educator and trainer for the staff persons supervised. In addition, the supervisor should be held administratively responsible for the quality of service provided.

As well as educating staff in terms of skill development, a supervisor should, but often does not, assist in the enhancement of personal and professional confidence to enable staff to accept and, in fact, welcome constructive criticism.

In the course of this study, two distinct reactions were secured from supervisors when a statement was construed by them to be a criticism of a staff worker. Either the supervisor staunchly defended the staff worker as if no wrong was possible (and this reaction came before the facts were provided), or the supervisor demanded to know the worker's name and implied that the worker would receive a severe and immediate reprimand for the presumed wrong. Such attitudes are inappropriate, improper, demeaning to staff, and indicative of a lack of insight into the role of professional supervisor.

It might be suspected that this attitude of defensiveness was an aberration resulting from the active and open scrutiny of the child welfare system by the public media at the time that this review was being conducted. Such an argument is vigorously rejected. Rather, it is believed that every level of personnel in the child welfare system had been so free of examination for so long that the least attention was viewed as negative criticism. Staff seemed unable to recognize that public examination of the system was long overdue.

At the level of agency director, accountability functions are, of course, broader. There is the responsibility for carrying out the mandated functions of child welfare as these are defined in the legislation. This requires constant monitoring of internal data systems to ensure that resources are maximized.

It is the responsibility of the director to keep lines of communication open with line staff so that problems in meeting the needs of clients through existing service patterns are quickly recognized. Directors must encourage and enhance attempts at innovation and build mechanisms for monitoring and evaluating such innovations.

RECOMMENDATION 33. **THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO CREATE AN ATMOSPHERE OF EXPERIMENTATION AND INNOVATION WHILE MAINTAINING SOUND PROFESSIONAL PRACTISES. THE ABILITY TO ASSESS SUCH INNOVATION FOR APPLICATION IN OTHER CASES OR SITUATIONS IS ALSO ESSENTIAL.**

The director has the duty to share information and the results of experimental programming with colleagues and for bringing these to the attention of the Child Welfare Director.

Establishing and maintaining relationships to the local community is a responsibility of the agency director. It is essential that the agency remain sensitive to the composition, values, and cultural patterns of the community it is serving. Certain structures can be put into place to make the relationship between agency and community ongoing and considerable time and energy must be invested in this activity by the agency director.

RECOMMENDATION 34. **THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO FORM CONSTRUCTIVE LINKS TO THE COMMUNITY AND TO BUILD MECHANISMS FOR COMMUNITY INPUT INTO AGENCY SERVICES.**

The agency director is responsible for setting the administrative "tone" of the agency. A sense of respect for clients, of mutual trust and support amongst staff, and an attitude of self-awareness and objective program evaluation cannot be guaranteed through an administrative structure but, rather, must be created by the individual chosen to direct the agency.

To perform these functions, the agency director must be provided with the staff, finances, and technical hardware necessary for community development functions, statistical data compilation, and staff training.

The duties of the Director of Child Welfare are defined in the Child Welfare Act. Section 3 (1) provides:

> *3 (1) For the purposes of this Act, the director has authority to*
>
> *(a) advise the minister on matters relating to child welfare;*
>
> *(b) ensure the development and maintenance of standards of child welfare in Manitoba and provide for the evaluation of child welfare services provided under this Act;*
>
> *(c) ensure that child caring agencies provide services in accordance with the provisions of this Act;*
>
> *(d) prepare and submit an annual report to the minister;*
>
> *(e) supervise a child declared to be a ward of the director;*
>
> *(f) receive and disburse moneys payable for the maintenance of a child declared to be a ward of the director under section 27;*

> *(g) ensure the development of appropriate placement resources for children;*
>
> *(h) perform such other duties as may be prescribed by this Act, by the regulations or as may be required by the minister.*

In the past the Director of Child Welfare has played a relatively passive role with respect to the actual operation of the child welfare system. Generally, the private child care agencies have been permitted to function independently with the Director intervening only in unusual circumstances.

The relationship to regional offices has been more active with program consultation requested and provided on a relatively regular basis.

Intervention into the actual operation of private agencies by the Director of Child Welfare was most frequently in the role of Ombudsman. A direct complaint would lead to an enquiry into the actual circumstances of a case with the Director then advising the agency as to how the situation might be resolved or facilitating constructive communication between client and agency staff. A public confrontation occurred in 1982 when an agency refused to release certain information to a former client after the Director had specifically approved the release of the information. The agency, after a considerable delay, complied with the Director's instructions. When there has been concern about agency management, the Director has tended to trust in the judgment of the board of directors to resolve the matter.

The Act gives the Director the authority to develop and maintain standards for child welfare services and to ensure the agencies are acting in accordance with those standards.

In fact, the Director has not exercised that authority. There have been "guidelines" developed for the assessment of foster and adoption homes but no evaluation of agencies to determine whether or not those guidelines were being followed. The only "standards" which apply in the child welfare system have been those for judging the physical safety of group facilities and those standards have been established under legislation other than the Child Welfare Act.

It is not clear why the Director of Child Welfare has failed to exercise the legislated authority. It is clear, however, that such supervision of child care agencies is long overdue and must now be put into effect. Agencies should be clear on what standards they are expected to meet. Agencies should be informed on a regular basis as to how adequately they are meeting those standards.

RECOMMENDATION 35. **THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXERCISE THE AUTHORITY TO ESTABLISH PROGRAM STANDARDS FOR CHILD CARE AGENICES AND TO EVALUATE AGENCY PERFORMANCE IN RELATION TO THOSE STANDARDS.**

The Director of Child Welfare requires agencies to submit statistics on a regular basis. The tables are described here in some detail as an indication of the data that is currently available.

Table 1 (a) *Case Movement of Children under Direct Supervision of the Reporting Agency or Region*

This table tabulates the number of children in various types of pay care and non-pay care and shows the number at the beginning of the month, the number of new admissions, readmissions, reclassifications in, and transfers for the total intake for the month. The table shows the number discharged, reclassifications out, and transfers out for the total outgo. The final figure shows the case count for the end of the month.

Table 1 (b)(1)

Families Under the Supervision of the Reporting Agency/Region at Month End

Shown are the number of families, the number of children, and the number of children in care at the beginning of the month, the number opened, the number closed, and the number at the end of the month.

Table 1 (b)(2)

Homemaker Services During the Month

This table shows the number of families served during the month, the number of children supervised, and the number of paid homemaker days during the month.

Table 1 (c)

Services of the Reporting Agency to Unmarried Parents

This table contains 4 tabulations related to unmarried parents.

1. This calculation shows the number of unmarried parent cases at the beginning of the month, the number opened, the number closed, and the number at the end of the month.

2. This illustrates the age of the unmarried parent and the month of pregnancy at the time of referral.

3. This table shows the placement of the child when the case was closed - whether in agency care through a voluntary surrender or court order, with the mother, or in other circumstances.

4. This table gives the number of filiation orders granted and the number of filiation agreements made during the month.

Table 2

Non-Selected Adoptions - Case Movement by Type of Adoption

This table illustrates by type of adoption (private, defacto, or parents own) the cases at the beginning of the month, new cases and cases transferred in, the cases closed by order of adoption, by withdrawal, transfer, or other, and the number of cases at the end of the month.

Table 3 (a)

Adoption Homes: Case Movement of Applications and Approved/Registered Homes not in Use: Number of Approved Homes Available

There are three calculations used in this table.

1. This illustrates the number of adoption applications awaiting approval at the beginning of the month, new applications or applications transferred in, the number of applications approved, withdrawn, transferred out and rejected, and the number awaiting approval at the end of the month.

2. Adoption homes which are approved or registered but not is use are tabulated to show the number of homes at the beginning of the month, the number approved or registered during the month, and the number transferred in. The table shows the number of these homes into which children were placed, the number withdrawn and transferred out, and the resulting total at the end of the month.

3. This calculation shows the number of approved or registered adoption homes in use at the beginning of the month, the number in which children were placed, and the number transferred in from in and out of province. The table shows the number of homes closed as a result of a finalized adoption, the number closed because of adoption breakdown and the number transferred out, both in and out of province, and the final count at the end of the month.

Table 3 (b)

Foster Homes: (Regular and Special Rate) Case Movement of Applications and Licensed/Approved Homes Not in Use: Number of Approved Homes Available at Month End

This table repeats for foster homes the same 3 tabulations given above for adoption homes but there is no "out of province" count for transfers in or out.

There is a fourth calculation on this table for the number of homes licensed/approved for specific child(ren) only.

Table 4 (a)

Reporting Agency/Regions Children in Supervision at Month End Paid Days Care by Type of Placement Reported During the Month

This table indicates the placement of children - regular rate foster home, special rate foster home, support home, private group home, agency group home, agency receiving home, emergency facility, other facility or maternity home, and Children's Home, Knowles School, Marymound, Sir Hugh John Memorial Hostel, private institutions in Manitoba or private institutions out of province. This information is cross tabulated by whether the children are wards, under a temporary contract placement, in care as a result of an order under the Juvenile Delinquency Act, in care by reason of an order of supervision signed by the Provincial Psychiatrist, or other. The table also shows whether the child is a Registered Indian or "other" as well as the number of days care provided for Registered Indian children and "other".

Table 4 (b)

Reporting Agency/Regions Children in Supervision at Month End, Children in Non-Pay Care Supervision by Type of Placement at Month End

This table is identical to Table 4 (a) except that the non-pay placements are selected adoption probation, Agassiz Centre for Youth, Manitoba School, St. Amant Centre, Manitoba Youth Centre, Doncaster Centre, other public institutions, and other non-pay facilities.

Table 5

Selected Adoption Placements During the Month of Children for Whom the Reporting Agency has Guardianship by Location of Placement and Type of Child

This table indicates whether the child is a Registered Indian, a child identified as a "special needs" child and/or other, and shows whether the child was placed in an agency adoption home, another agency's adoption home, in another province, or in another country.

Table 6 (a)

Children in Supervision of Reporting Agency or Region Admissions by Major Reason, Age at Admission and Sex

The reasons for children being admitted to care are listed on this table as follows:

Protective Guardianship

a) Abandoned/Deserted
b) Inadequate Care
c) Child Endangered by Parent or Guardian
d) Child Beyond Control of Parents
e) Child Injurious to Self or Others
f) Child of Unmarried Parents
g) Unprovided Health Treatment

Voluntary Surrender of Guardianship

Temporary Contract Placement

Juvenile Delinquent Committal

Mental Retardation Committal Order

Transfer in for purposes other than Adoption Placement from in and out of Province

Transfer in for purposes of Adoption Placement from in and out of Province

Other (Specify)

Table 6 (b)

Children in Supervision of Reporting Agency or Region Discharges from Supervision by Major Reason, Age at Discharge and Sex

The reasons for discharge are identified as returned to parents, order of adoption, age of majority, transferred out within or out of province for purposes other than adoption placement, transferred out to within the province or out of province for purposes of adoption placement, and other.

Table 7

All Children in Supervision of Reporting Agency or Region by Age and Legal Status

The types of legal status are shown as under apprehension, temporary wards, permanent wards through the courts, permanent wards through voluntary surrender of guardianship, temporary contract placements, children who are non-wards through Juvenile Delinquency Act committal, children who are non-wards through mental retardation committal order, and other.

This table is prepared quarterly rather than monthly.

Table 8

Selected Adoption Process Data by Age Children in the Legal Guardianship of the Reporting Agency/Region

This table is in two parts. The first shows the age at placement, the second, the age at breakdown. The table also shows whether the child is Registered Indian, a special needs child or other.

This table is completed annually.

Table 9

Children Under Apprehension and Legal Guardianship of Reporting Agency or Region

This table shows the number of children who are under apprehension, temporary wards, permanent wards by court order, and permanent wards by voluntary surrender of guardianship and whether they are under the supervision of their own agency or another agency and whether they are in or out of Manitoba.

This table is completed quarterly.

Table 10

Children in the Supervision of Reporting Agency/Region by Type of Placement, Age and Sex
Also: Children in the Supervision of the Reporting Agency/Region Who are Under the Guardianship of Another Agency/Region

This tabulation is done at the end of the fiscal year, March 31, and indicates the placement of children in both pay and non-pay placements.

These statistics do provide the Director of Child Welfare with an indication of trends - for example, given that there has been an articulated policy to reduce the number of children in group homes, these statistics will verify whether or not this policy is being implemented. With the moratorium on out of province adoption placements in effect, the Director of Child Welfare can determine whether or not agencies are conforming with this provincial dictum. The statistics, upon analysis, would indicate trends in the ages of children who form the clientele of the system.

The statistics do not, however, reveal the kind of facts which would provide the base for assessing the effectiveness of the system. The current data system:

- does not reveal the average length of time children are in the system,
- does not show the flow of children from one form of care to another,
- does not indicate what percentage of children leave the system as a result of the positive intervention of program (as opposed to those who leave the system of their own volition or who reach the age of majority), and
- does not provide a mechanism for cross tabulating statistics with those of the juvenile justice system.

The present system is an awkward and antiquated one and of limited value. There also does not appear to have been a systematic analysis of the statistics done by the office of the Director of Child Welfare. It is also not evident whether these statistics have been made available to any other community resource for analysis, nor is there any information available that would indicate that community organizations have requested the opportunity to analyze this available data.

RECOMMENDATION 36. **THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ESTABLISH AN AUTOMATED DATA COLLECTION SYSTEM WHICH WILL ENABLE:**

- **ERROR FREE INFORMATION ENTRY,**
- **INTERAGENCY AND INTERPROGRAM DATA COMPARISONS,**
- **MEASUREMENT OF PROGRAM EFFECTIVENESS, AND**
- **ACCESSIBILITY OF DATA FOR RESEARCH AND EVALUATION ACTIVITIES.**

Program reviews of child care agencies should be conducted regularly and not less frequently than once every year. The intent of the reviews would be to measure how well actual programs were conforming with standards set by the Director of Child Welfare. The information sought would be different than that sought by the Child Protector. The program reviewer, however, would be expected to inform the Child Protector of any cases or issues requiring the attention of that office.

It is not necessary that a large program review staff component be established. A core group of two or three professional staff and necessary support staff could coordinate review teams consisting of seconded persons. This system would enable a number of reviews to be conducted simultaneously and would provide an opportunity to train staff in program review techniques. By viewing the child welfare system from other than a direct service perspective, line staff would develop greater appreciation for their own individual role within that system.

The program reviews would:

- provide a measure of how a specific child care agency is fulfilling the functions designated by law,
- identify areas in which practise might be strengthened

in relation to administration, staff development, community relationships, or any other areas,

- identify cases or issues for referral to the Child Protector,
- establish specific goals to be met within specified time periods,
- identify techniques of problem intervention which have proved successful, and
- identify areas of research which might be undertaken internally or which might be appropriate for external researchers.

RECOMMENDATION 37. **THE CHAIRMAN RECOMMENDS THAT A PROGRAM REVIEW AND EVALUATION BRANCH BE ESTABLISHED TO COORDINATE AND DIRECT SECONDED STAFF IN CONDUCTING REVIEWS OF CHILD CARE AGENCIES.**

Indian child and family services agencies are a new development in the province. While primarily funded by the federal government, the provincial government maintains a special responsibility to assist these agencies fulfill their functions under the provincial legislation. Should the Indian organizations be successful in securing federal legislation to govern child welfare activities, this provincial responsibility would be reduced but would not cease.

RECOMMENDATION 38. **THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF INDIAN CHILD AND FAMILY SERVICES AGENCIES FOCUS ON A DEVELOPMENTAL APPROACH AND THAT SPECIAL ASSISTANCE BE PROVIDED TO THESE AGENCIES IN THE AREAS OF TRAINING AND PROGRAM DEVELOPMENT.**

Through program reviews, areas of training needs will be identified. In the interests of developing program standards which are province-wide, training should be available to staff of all child care agencies. The Director of Child Welfare has a special interest in ensuring that training is compatible with provincial statutes and policies.

RECOMMENDATION 39. **THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE MAINTAIN THE RESPONSIBILITY FOR IDENTIFYING STAFF TRAINING NEEDS OF ALL CHILD CARE AGENCIES AND FOR PROVIDING EDUCATIONAL OPPORTUNITIES EITHER DIRECTLY OR THROUGH ARRANGEMENTS WITH COMMUNITY EDUCATIONAL RESOURCES.**

The Director of Child Welfare carries considerable responsibility for internal research of program effectiveness and service trends. There is, however, an area of research which has come to be recognized as the function of institutions of higher learning. University facilities and schools (social work, psychology, medicine, law, sociology, urban studies, human ecology, Native studies, education) have a legitimate interest in the child welfare system and should be mandated and obligated to undertake basic research. The results of such research should be made public.

RECOMMENDATION 40. **THE CHAIRMAN RECOMMENDS THAT ALL STATISTICAL DATA COMPILED BY THE DIRECTOR OF CHILD WELFARE AND THE RESULTS OF ALL RESEARCH CONDUCTED UNDER THE AUSPICES OF OR WITH THE PERMISSION OF THE DIRECTOR BE PUBLISHED.**

This review has revealed that there has not been a great deal of investment into research in the field of child welfare but what studies have been done would provide information which could be useful.

RECOMMENDATION 41. **THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE DIRECTOR OF CHILD WELFARE CONDUCT**

A REGULAR ONGOING REVIEW OF LITERATURE IN THE FIELD OF CHILD WELFARE AND THAT SUMMARIES OF SUCH LITERATURE BE PUBLISHED.

Given the dearth of research in the field of child welfare, Manitoba could be in the forefront of a major breakthrough in knowledge by a healthy, cooperative relationship between the child welfare system and the universities. There is no question that researchers who are university-based would have a code of ethics compatible with that of the field of social work and could be expected to maintain the level of confidentiality required.

The Director of Child Welfare should be expected to not only facilitate outside researchers but, with new information systems, should be able to identify areas which lend themselves to research.

RECOMMENDATION 42. **THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ASSUME THE RESPONSIBILITY FOR IDENTIFYING AREAS**

REQUIRING BASIC RESEARCH AND FOR ENLISTING THE APPROPRIATE UNIVERSITY RESOURCES TO CONDUCT SUCH RESEARCH.

It must be noted that the federal government which funds 50% of the child welfare system and studies expenditures with incredible attention to detail, has no requirement for the maintenance of basic statistics, not to mention statistics which would serve as a measure of program effectiveness. In the past, both the provincial and the federal governments were unconcerned with the value secured by the money spent as long as there was a voucher authorizing the expenditure of each dollar.

RECOMMENDATION 43. **THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT COST SHARE (50%) ALL RESEARCH PROJECTS RELATED TO CHILD WELFARE AND WHERE SUCH RESEARCH DEALS SPECIFICALLY WITH TREATY INDIANS, THAT THE FEDERAL GOVERNMENT PAY THE TOTAL COST.**

To summarize, the Director of Child Welfare should be responsible for establishing provincial standards and for measuring how agencies adhere to such standards. Those standards should be reviewed annually and changed as needed.

Whether the standards set by the Director meet the requirements of the legislation is subject to the review of the Child Protector. The Child Protector will also monitor statistics, program review reports, and research results.

CHAPTER IV

STRUCTURE OF THE CHILD WELFARE SYSTEM

> *In turbulent times the enterprise has to be kept lean and muscular, capable of taking strain but capable also of moving fast and availing itself of opportunity. This is particularly important if such times follow long years of comparative calm, ease, and predictability. Unless challenged, every organization tends to become slack, easygoing, diffuse. It tends to allocate resources by inertia and tradition rather than by results. Above all, every organization tends to avoid unpleasantness. And nothing is less pleasant and less popular than to concentrate resources on results, because it always means saying "No".*
>
> *Peter E. Drucker,*
> *Managing in Turbulent*
> *Times, 1980*

At the time this review was conducted, Manitoba's child welfare system had a mix of public and private service delivery and the federally-funded, tribal-managed Indian child and family services agencies were in the beginning stages of development.

History determined the development of child welfare services in the province. Child welfare originated as a charitably-motivated community function financed by private volunteer dollars with local municipalities contributing to the support of some children who were legal residents of the municipalities. This limited the development of Children's Aid Societies to the southern, most populated area of the province where incorporated municipalities existed.

The boards of the private agencies were selected to reflect the needs and realities of their historic origins. Board members were chosen from amongst those persons who could influence contributors, were perceived to project a positive public image, were inclined to donate their time and energy, and who required no financial compensation for their participation. In some cases, members of the boards of agencies were nominated by municipal councillors. The boards were self-perpetuating with only a few new members appointed annually. Participation on the board by a large segment of the population of the community - hourly wage earners, young professionals, women with young families, in effect, most middle and lower income persons - was prevented.

If, at any time, private agencies recognized the need to involve representatives of the client group in policy positions, efforts to secure such involvement were unsuccessful. This may have been due to the lack of commitment to this philosophy by the existing boards and administrators, a lack of competence in involving members of client groups, or an unconscious intimidation of client representatives who might in turn have felt that their participation was mere tokenism.

In any event, the composition of the boards of private agencies fell into a pattern early. The very method of selection of new board members resulted in the selection of persons just like those already participating. Constant cloning.

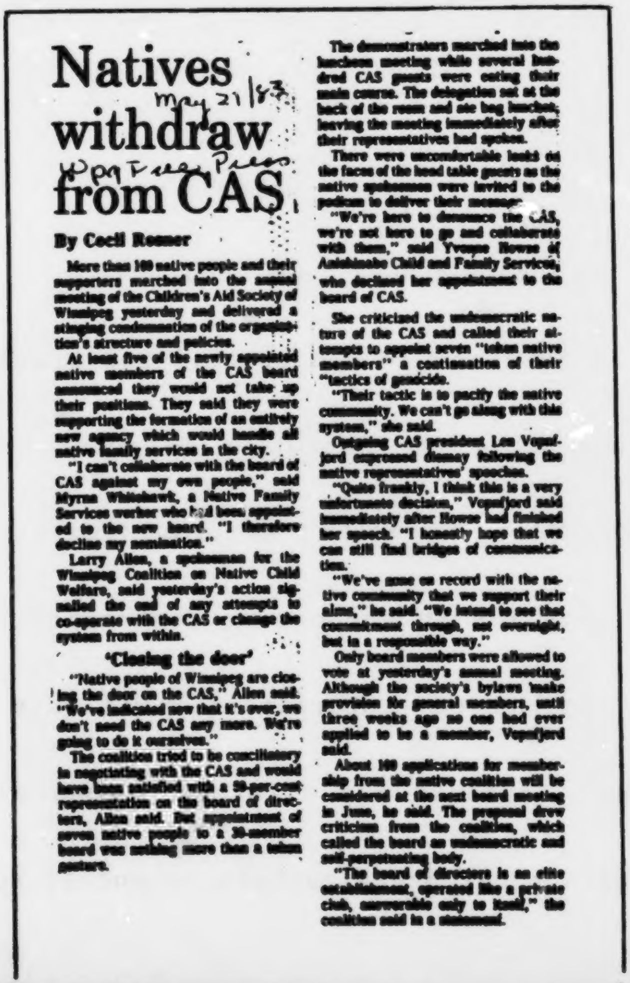
Repeatedly one is told of community persons who sought to be nominated to a board of one particular agency, and when appointed, found they had little opportunity to influence policy and soon resigned in frustration. Those who continued, one can only assume, secured their satisfaction from the presumed social status that membership on the board gave them rather than any sense of accomplishment.

There were 4 Children's Aid Societies in the province in 1982.

The Children's Aid Society of Winnipeg was the largest child care agency in the province. The agency served the area that was the original City of Winnipeg and some of the surrounding municipalities which had become incorporated into metropolitan Winnipeg. Serving a population of 485,500, this agency had a board of 20, employed over 300 staff, and functioned out of a single downtown location.

At one time this agency had established branch offices but these were closed when the Executive Director determined that this was not an efficient method of providing service. Information is not available to support or contradict the Director's decision, nor is there information available which would indicate how much emphasis branch staff placed on establishing relationships with local organizations or social agencies.

At the annual meeting of the Children's Aid Society of Winnipeg in May of 1983, the nominating committee presented the names of seven Native persons for membership on the board. This gesture backfired when before the T.V. cameras and the assembled crowd, two of the nominated individuals indicated that they refused to serve "an agency that has contributed to cultural genocide".



Natives withdraw from CAS

May 21/83
Wpg Free Press

By Cecil Rosner

More than 100 native people and their supporters marched into the annual meeting of the Children's Aid Society of Winnipeg yesterday and delivered a stinging condemnation of the organization's structure and policies.

At least five of the newly appointed native members of the CAS board announced they would not take up their positions. They said they were supporting the formation of an entirely new agency which would handle all native family services in the city.

"I can't collaborate with the board of CAS against my own people," said Myrna Whitehawk, a Native Family Services worker who had been appointed to the new board. "I therefore decline my nomination."

Larry Allen, a spokesman for the Winnipeg Coalition on Native Child Welfare, said yesterday's action signalled the end of any attempts to co-operate with the CAS or change the system from within.

'Closing the door'

"Native people of Winnipeg are closing the door on the CAS," Allen said. "We've indicated now that it's over, we don't need the CAS any more. We're going to do it ourselves."

The coalition tried to be conciliatory in negotiating with the CAS and would have been satisfied with a 50-per-cent representation on the board of directors, Allen said. But appointment of seven native people to a 30-member board was nothing more than a token gesture.

The demonstrators marched into the luncheon meeting while several hundred CAS guests were eating their main course. The delegation sat at the back of the room and ate bag lunches, leaving the meeting immediately after their representatives had spoken.

There were uncomfortable looks on the faces of the head table guests as the native spokesmen were invited to the podium to deliver their message.

"We're here to denounce the CAS, we're not here to go and collaborate with them," said Yvonne Howse of Anishinabe Child and Family Services, who declined her appointment to the board of CAS.

She criticized the undemocratic nature of the CAS and called their attempts to appoint seven "token native members" a continuation of their "tactics of genocide.

"Their tactic is to pacify the native community. We can't go along with this system," she said.

Outgoing CAS president Len Vopnfjord expressed dismay following the native representatives' speeches.

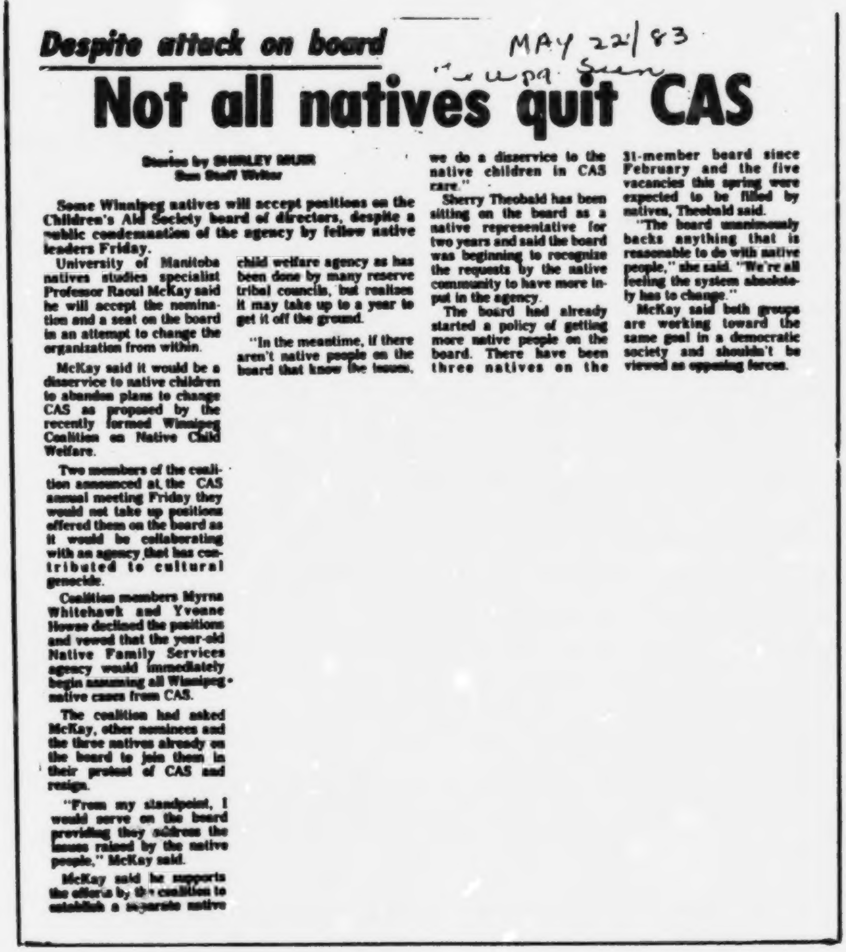
"Quite frankly, I think this is a very unfortunate decision," Vopnfjord said immediately after Howse had finished her speech. "I honestly hope that we can still find bridges of communication.

"We've gone on record with the native community that we support their aims," he said. "We intend to see that commitment through, not overnight, but in a responsible way."

Only board members were allowed to vote at yesterday's annual meeting. Although the society's bylaws make provision for general members, until three weeks ago no one had ever applied to be a member, Vopnfjord said.

About 100 applications for membership from the native coalition will be considered at the next board meeting in June, he said. The proposal drew criticism from the coalition, which called the board an undemocratic and self-perpetuating body.

"The board of directors is an elite establishment, operated like a private club, answerable only to itself," the coalition said in a statement.



MAY 22/83

Wpg Sun

Despite attack on board

Not all natives quit CAS

Stories by SHIRLEY MUIR
Sun Staff Writer

Some Winnipeg natives will accept positions on the Children's Aid Society board of directors, despite a public condemnation of the agency by fellow native leaders Friday.

University of Manitoba natives studies specialist Professor Raoul McKay said he will accept the nomination and a seat on the board in an attempt to change the organization from within.

McKay said it would be a disservice to native children to abandon plans to change CAS as proposed by the recently formed Winnipeg Coalition on Native Child Welfare.

Two members of the coalition announced at the CAS annual meeting Friday they would not take up positions offered them on the board as it would be collaborating with an agency that has contributed to cultural genocide.

Coalition members Myrna Whitehawk and Yvonne Howse declined the positions and vowed that the year-old Native Family Services agency would immediately begin assuming all Winnipeg native cases from CAS.

The coalition had asked McKay, other nominees and the three natives already on the board to join them in their protest of CAS and resign.

"From my standpoint, I would serve on the board providing they address the issues raised by the native people," McKay said.

McKay said he supports the efforts by the coalition to establish a separate native child welfare agency as has been done by many reserve tribal councils, but realizes it may take up to a year to get it off the ground.

"In the meantime, if there aren't native people on the board that know the issues, we do a disservice to the native children in CAS care."

Sherry Theobald has been sitting on the board as a native representative for two years and said the board was beginning to recognize the requests by the native community to have more input in the agency.

The board had already started a policy of getting more native people on the board. There have been three natives on the 31-member board since February and the five vacancies this spring were expected to be filled by natives, Theobald said.

"The board unanimously backs anything that is reasonable to do with native people," she said. "We're all feeling the system absolutely has to change."

McKay said both groups are working toward the same goal in a democratic society and shouldn't be viewed as opposing forces.

Although a significant portion of the clientele of the Children's Aid Society of Winnipeg was of Native descent, the agency had no formal links to Reserves or to Metis communities.

The Children's Aid Society of Western Manitoba serves a population area of 114,000 in the southwest corner of the province. It has a staff of 120 which includes group home and day care centre staff. The board consists of 40 persons with the majority representing the rural areas served by the agency. The agency office is located in Brandon and no district offices or rural resource centres have been established to date.

This agency was one of the first to provide service to Indian Reserves located within its geographic area. As early as 1962, this agency attempted to organize child care committees on Reserves to act as local contacts for the agency. The effect of the agency's efforts was to increase the number of Indian children entering the care of the agency but there was no significant development of on-Reserve resources for child care. It is not possible to estimate in retrospect the amount of energy or skill devoted to the development of community participation in child welfare.

The Children's Aid Society of Eastern Manitoba serves a geographic area which includes the original City of St. Boniface and the southeast corner of the province. The population is 110,500. There is a staff of 50 and a board of directors of 20 which includes 6 representatives of regional committees.

This agency is the only Children's Aid Society to actively reach out to local communities and to focus on preventative services. There are six regional committees established and a seventh will be added when this agency assumes responsibility for the St. Vital area of Winnipeg. The main office is located in St. Boniface with Resource Centres located in Beausejour, St. Boniface/Norwood, St. Pierre/St. Jean, Springfield/Tache, Steinbach, Windsor Park, and another will be added in St. Vital.

This agency has been able to demonstrate that the provision of in-home services to families results in the reduction of the number of children coming into care as well as a reduction in the cost of service.

The Children's Aid Society of Central Manitoba serves a population of 88,400 in the south central portion of the province. The main office is located in Portage la Prairie. There is a staff of 40 and a board of 16 persons. The agency maintains sub-offices in Carmen, Amaranth, and Winkler, and has established a Resource Centre in Morden with staff and a local board of directors. No plans currently exist for additional Resource Centres.

The provincial government had been financially responsible for the cost of child welfare for children lacking legal residency in a municipality and for residents of unorganized territories. As child welfare responsibilities were expanded by legislation, services were provided through the provincial offices in the northern portion of the province. (It is understood that there was once a Children's Aid Society in Dauphin but that it did not last very long.)

In 1982, the regional offices were providing child welfare services to the population within defined geographic areas, except for those persons residing on Reserves, as follows:

REGION	LOCATION	POPULATION SERVED
Parklands	Dauphin and Swan River	48,000
Interlake	Selkirk	55,800
Eastman	Beausejour	10,500
Norman	The Pas and Flin Flon	23,000
Thompson	Thompson	23,600

There was one regional office located in the present City of Winnipeg. That office provided child welfare services to the former St. James, Tuxedo, and Assiniboia areas which, when separate municipalities, had chosen not to contract with the Children's Aid Society of Winnipeg. That region has a population of 94,000.

In Manitoba, the first indication of a federal commitment to the concept of Indian people providing for their own child welfare services occurred in 1966. At that time, funds were provided for the provision of child care services to Reserves in southwest Manitoba.

Agreements were subsequently signed with individual bands. In 1976, The Pas Reserve was funded for one worker and the Fort Alexander Reserve for a social worker and four band trainees. One worker was funded for the Peguis Band in 1977, and in 1979 funds were available for 2 band workers in the 4 bands of the Island Lake area, and one worker in both Cross Lake and God's Lake.

Two thrusts were occurring simultaneously. A committee, consisting of representatives of the Manitoba Indian Brotherhood, the province, and the federal government, which was formed in 1977, completed a report in 1980 which established principles for the delivery of child welfare services to Indian people. The report recognized the importance of the preservation of Indian culture, the essential involvement of Indian people in policy and program delivery of child welfare, and the respective responsibilities of the provincial and federal governments.

The Indian community was at the same time experiencing a growth in political sophistication. Tribal councils were formed uniting bands of similar cultural backgrounds. Through the Four Nations Confederacy, a proposal for the development of an Indian child welfare system was developed. This proposal was supported by all Manitoba bands.

In 1981, the Dakota Ojibway Tribal Council established a child and family services agency under a special agreement with the federal government.

The Tripartite Master Agreement was signed in early 1982. This agreement laid the foundation for the establishment of child and family services agencies for all Indian people throughout the province. The same year, subsidiary agreements were signed by the tribal councils in the southeast, west region, and interlake regions of the province. In 1983, Manitoba Keewatinowi Okemakanac signed an agreement for the 25 northern Reserves.

Indian child and family services agencies now provide services on-Reserve through the 5 tribal organizations. These agencies are federally funded and function under provincial legislation. The province provided consultative staff to these agencies during the "phasing-in" period. As full authority is transferred to the agencies for all mandated services, these staff are no longer required.

The agencies and the Reserves included in their areas are as follows:

Dakota Ojibway Child and Family Services (Brandon) - Band membership 6,800

- Birdtail Sioux
- Long Plain
- Dakota Plains
- Oak Lake
- Roseau River
- Sandy Bay
- Sioux Valley
- Swan Lake

Southeast Child and Family Services (Winnipeg) - Band membership 4,500

- Berens River
- Bloodvein
- Brokenhead
- Buffalo Point
- Hollow Water
- Little Black River
- Little Grand Rapids
- Poplar River

Anishinaabe Child and Family Services (Ashern) - Band membership 7,500

- Dauphin River
- Fairford
- Fisher River
- Jackhead
- Lake Manitoba
- Little Saskatchewan
- Lake St. Martin
- Peguis

West Region Child and Family Services (Dauphin) - Band membership 4,500

- Crane River
- Ebb and Flow
- Gamblers
- Keeseekoowenin
- Pine Creek
- Rolling River
- Valley River
- Waterhen
- Waywayseecappo

Awasis Child and Family Services
(Thompson) - Band membership 23,000

Swampy Cree Tribal Council

- Chemahawin
- Grand Rapids
- Indian Birch
- Mathias Colomb
- Moose Lake
- Swan River
- The Pas

Keewatin Tribal Council

- Barren Lands
- Churchill
- Cross Lake
- Fox Lake
- God's Lake
- God's River
- Nelson House
- Northlands
- Norway House
- Oxford House
- Shamattawa
- Split Lake
- War Lake
- York Factory

Island Lake Tribal Council

- Garden Hill
- Red Sucker Lake
- St. Theresa Point
- Wasagamack

There are four programs operating in Manitoba which are best described as historic anomolies.

Jewish Child and Family Services operates in the City of Winnipeg and serves a population of 16,000. The potential clientele of this agency is defined ethnically rather than geographically. This is a private agency. The child welfare caseload is small and the agency is reported to have given some thought to terminating its role in the child care field.

Child care services in the Town of Churchill are provided, for the most part, through the *Churchill Health Centre*. The regional office in Thompson maintains responsibility for some segments of service.

The *Fort Alexander Reserve* has not joined with a tribal council for purposes of child welfare. This band operates under a special agreement with the Department of Indian Affairs and Northern Development. The agency does not have the authority of a provincial child welfare committee as defined by the Act. Statutory services are provided by the Eastman Regional Office.

The *Dakota Tipi Band* has a special agreement for the employment of one worker who provides non-statutory service. The Children's Aid Society of Central Manitoba maintains responsibility for statutory services.

So, in 1982, when this review was initiated, Manitoba had a unique situation. In all other provinces but Ontario and Nova Scotia where Children's Aid Societies existed, child welfare services were provided directly by the provincial government.

In Manitoba, there was one large private agency in the City of Winnipeg providing service to about 48% of the population of the province, 3 other Children's Aid Societies serving 32% of the population, and the remaining 20% of the population served by 6 regional offices, 5 Indian child and family services agencies, and 4 small agencies serving specific populations.

This situation provided a valuable opportunity to examine the agencies and to evaluate, on a purely subjective level, whether the quality of service was affected by auspices, by size, or by the nature of the community served. This evaluation is contained in a report entitled Agency Interview Report which was submitted to the Minister in July, 1984 and is alluded to in other reports.

The following summarizes the impressions of the system:

- the Children's Aid Societies have boards of volunteers who are alleged to, but do not, represent the community served.
- the regional office staff, through their personal involvement in the local community, are more sensitive to local mores and cultural patterns but such input is casual and by chance.
- the Indian agencies have the structure to ensure input of the local community but to date have not been successful in employing a significant percentage of Native staff but the numbers are increasing.
- the small agencies, under any auspices, place more emphasis and resources on preventive services.
- there is more variation in service standards among private agencies than among regions.
- in smaller agencies, decisions which effect the lives of families and children are more likely to be made with input of all administrative levels and with contributions from other community social service personnel.
- in smaller rural agencies, there is the impression that workers are more likely to depend on, and trust, the opinion of others rather than examine a situation themselves because of the confidence they have built through personal relationships.
- the lives of workers and clients in rural areas are more likely to overlap than in urban areas.
- in urban areas, there is a wider social gap between worker and client and the barriers to be overcome are higher resulting in a "them" and "us" situation.
- in the larger agencies - all private - there is departmentalization of services with resulting fragmented service to the clients.
- the charges of lack of responsible behaviour were more often made against staff of the largest agency than any other.

- it was claimed that the turnover in staff was greater in the larger agencies.

- in the regional offices, the loss of even one staff member can cause a serious curtailment of services (this is further aggravated by staff "freezes" which means vacant positions cannot be filled).

- the larger agencies, contrary to expectations, are more intimidated by directorate guidelines.

- the smaller agencies appear to be more innovative in developing new approaches to problems and further, anticipate correctly that the directorate office will respond positively to their requests for funds for experimental programming.

- the rural regional offices may experience greater difficulty in changing established methods because of the low level of staff turnover.

- none of the agencies - except the Indian ones - showed sufficient sensitivity to the special cultural patterns and characteristics of the people served.

- the smaller agencies had less difficulty finding foster home resources than did the large urban agency.

- the feeling of concern for clients conveyed by staff of smaller agencies was stronger than that projected by the staff of larger agencies, and

- the regional offices have the benefit of other specialties which can be tapped to assist in a family situation.

On the basis of the observations of agencies from the variety of perspectives possible in the course of this review, the following broad conclusions were reached:

- The Children's Aid Society of Winnipeg, the largest private agency, had no positive characteristics that could be identified. There was no evidence of cost efficiency or program effectiveness. Staff tensions were evident and morale low. Relationships with the client and the professional communities had not been developed or were negative. It was felt that the negative aspects of the program were a function of size rather than auspices.

- The Children's Aid Society of Western Manitoba and the Children's Aid Society of Central Manitoba, while not projecting totally positive impressions, were not found to be hopeless. Both agencies need to strengthen their commitment to the communities they serve by the development of Resource Centres with boards composed of local citizens and programs geared to the specific needs of the local community.

- The Children's Aid Society of Eastern Manitoba has successfully developed its outreach program and demonstrated that emphasis on prevention can be efficient in human terms as well as fiscally. The experience of this agency is transferrable.

- There were not sufficient grounds for recommending the dissolution of all private agencies nor for expanding the private agencies to the areas now served by provincial regional offices.

- The Indian child and family services agencies have been structured to ensure that service is client appropriate. The boards of directors are representative of the communities served, local committees have been established in each community served, and staff have been hired who reside in the local communities. This structure is transferrable to other agencies.

- The regional offices are structured to ensure cooperation with, and input from, other professionals in the human services. This is a factor which can be transferred to other agencies.

- It would appear that the Fort Alexander Reserve and the Dakota Tipi Reserve might be better served if they were to join with the tribal councils for purposes of child welfare. This is not necessarily recommended, however, as there may be historical realities preventing such an association. There is also no evidence that the residents of these Reserves are presently at a disadvantage.

Excerpt from transcript of Winnipeg hearing, September 10, 1982:

Background — *Representatives of Native organizations had alleged that the Children's Aid Society of Winnipeg was so compartmentalized that staff were not aware of what other staff were doing and thus service to the child was fragmented and that sometimes staff functioned at cross purposes.*

Advisory Committee Member: What is done with the family allowance for the child?

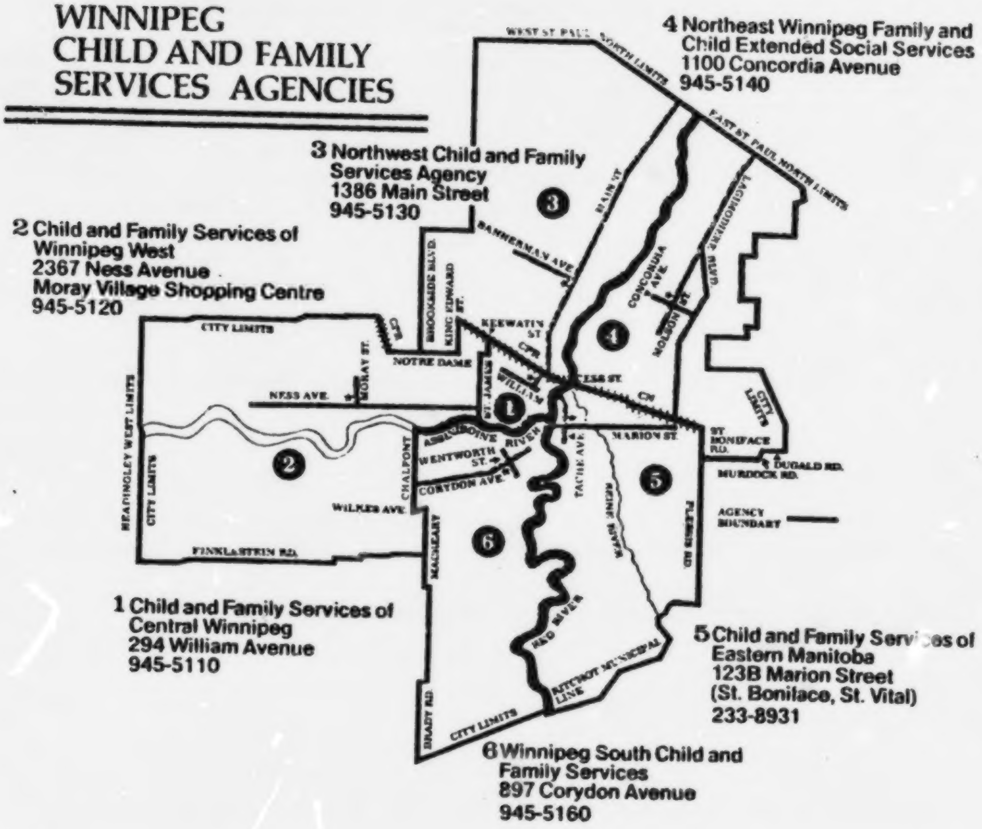
Adoption Supervisor: The family allowance when the child is in care?

Advisory Committee Member: Yes.

Adoption Supervisor: I should let (Director of Children's Services Department) answer that because it is her department....

The transcript does not record the laughter of the audience.

Structural changes to the child welfare system were initiated in October, 1983, when the province dismissed the board of directors of the Children's Aid Society of Winnipeg and established an interim board. The task of that board was to establish 6 community-based agencies to serve the City of Winnipeg. During 1984, boards of directors were elected, executive directors hired, staff was assigned or hired, and on April 1, 1985, the agencies became fully operational.



WINNIPEG CHILD AND FAMILY SERVICES AGENCIES

1 Child and Family Services of Central Winnipeg
294 William Avenue
945-5110

2 Child and Family Services of Winnipeg West
2367 Ness Avenue
Moray Village Shopping Centre
945-5120

3 Northwest Child and Family Services Agency
1386 Main Street
945-5130

4 Northeast Winnipeg Family and Child Extended Social Services
1100 Concordia Avenue
945-5140

5 Child and Family Services of Eastern Manitoba
123B Marion Street
(St. Boniface, St. Vital)
233-8931

6 Winnipeg South Child and Family Services
897 Corydon Avenue
945-5160

WEST ST. PAUL SOUTH LIMITS
EAST ST. PAUL NORTH LIMITS
MAIN ST.
BANNERMAN AVE.
CONCORDIA AVE.
LAGIMODIERE BLVD.
MOLSON ST.
BROOKSIDE BLVD.
KING EDWARD ST.
KEEWATIN ST.
CPR
CITY LIMITS
NOTRE DAME
MORAY ST.
NESS AVE.
ST. JAMES
WILLIAM
ESS ST.
CN
HEADINGLEY WEST LIMITS
CITY LIMITS
ASSINIBOINE RIVER
CHALFONT
WENTWORTH ST.
CORYDON AVE.
MARION ST.
ST. BONIFACE RD.
CITY LIMITS
DUGALD RD.
MURDOCK RD.
TACHE AVE.
WILKES AVE.
MACHEARY
PLESSIS RD.
AGENCY BOUNDARY
FINKLESTEIN RD.
RED RIVER
RITCHOT MUNICIPAL LINE
BRADY RD.
CITY LIMITS
1
2
3
4
5
6

The Indian child and family services agencies have recognized that providing service to on-Reserve residents only was not satisfactorily meeting the needs of the band members. Many children had previously been placed in off-Reserve foster homes and the parents were now demanding service for their children from their own tribal agency. Reserve families temporarily or permanently residing in urban centres have sought counselling and service. The agencies themselves recognize that, at times, it might be necessary to place band children in homes located off the Reserve and view it essential that they have the authority to seek and license foster homes off the Reserve.

A proposal has been drafted by the Indian agencies for the establishment of urban based programs staffed by employees of the various Indian child and family services agencies to provide service to off-Reserve Tribal members and to act as liaison with the traditional child care agencies.

This is a logical development to meet the needs of Indian people. The clientele of such a service would be band membership defined and systems of protocol can be developed to avoid conflict or overlap with urban-based child care agencies.

RECOMMENDATION 44. **THE CHAIRMAN RECOMMENDS THAT THE PROVINCE ASSIST THE INDIAN CHILD AND FAMILY SERVICES AGENCIES IN THEIR ENDEAVOURS TO SECURE FEDERAL FUNDING FOR THE PROVISION**

OF MANDATED SERVICES OFF-RESERVE FOR TREATY INDIANS.

There has also been a demand from non-Treaty and Metis persons for a culturally based child care agency to perform mandated functions in the City of Winnipeg. This possibility was given much consideration. It can be stated unequivocally that the traditional child care system has not been sensitive to the needs of the Native community. There is only the question of how sensitivity can be best built into the system.

The writings of Dr. Shirley Jenkins of the Columbia School of Social Work were studied. In her book "The Ethnic Dilemma", Dr. Jenkins reviewed the various patterns that had developed in the United States to serve ethnic groups. She identified five structural models:

1. Special Unit - within some service organizations, special units were established employing bilingual and bicultural persons who were able to work effectively with the targetted ethnic community.

   This option was considered but rejected. It was felt that such a structure could lead to inequitable service delivery.

2. Ethnic Agency - in response to demands of various ethnic communities, and in recognition of the lack of sensitivity in established agencies to ethnic considerations, separate ethnically-based agencies have been established to provide mandated services with public funds.

   This option was considered most seriously as this was the demand being made by the Native community. The more deeply it was considered, the less positive this option appeared. The structure within Manitoba is geographically based and that includes the Indian agencies serving the on-Reserve population. Even the request for an off-Reserve agency for Treaty band members does not violate this basic pattern.

   It might be said that the Jewish Child and Family Services is in violation of the provincial pattern and thus should be closed. This agency is an anomaly and is recognized as such. The agency's involvement in child welfare grew out of a specific historical situation and the Jewish community, and that community only, was able to meet the needs of the time. The function continued after the specific need no longer existed. If the Jewish Child and Family Services is to cease providing child care services, that decision must be made by the Jewish community and not imposed upon them.

   There is another consideration. The Native community is by no means the largest ethnic minority in the province. There are other cultural groups that have the same special interest in keeping their children within their own cultural sphere. There are many methods by which cultural groups can participate in the child care system.

3. Parallel Legislation - the Indian people in Canada and in the United States have a special relationship to the federal government. In the United States, separate federal legislation has been enacted to give authority and responsibility to Indian bands for the provision of child care services and this ensures that services will be consistent with the cultural values of the Indian people.

> *This option is clearly a possibility for Canada and is consistent with the efforts of Indian people to govern themselves. The Assembly of First Nations, under the leadership of David Ahenakew, has initiated negotiations with the federal government for federal child welfare legislation for Treaty Indians and for the establishment of a tribal court system.*
>
> *When federal legislation is in place, the Manitoba structure will easily phase into operation under such federal law. Manitoba will also have the benefit of established and tested protocols for dealing with other agencies.*

4. Separate but Open Services - another model of service was identified which emerged in situations where a particular ethnic group is concentrated in a defined geographic area. In this model the sponsors permit participation of any person within the defined area thus maintaining a geographic, rather than ethnic, service base but such service is, in reality, an ethnic service.

   This option is not applicable to the Manitoba scene.

5. Sensitize the System - the final model noted was the adaptation of the existing system to meet the needs of ethnic and cultural groups in the community.

   It is this final option which is found to be most acceptable and applicable to Manitoba.

   Manitoba prides itself on its cultural mix and its acceptance of new immigrant groups. This acceptance has not yet been reflected in a structured form in the social services although special efforts are taken to "link" new immigrant groups to the existing social service system.

   Suggested is a system believed to be sufficiently adaptable that it will remain sensitive to the cultural patterns of residents no matter what population changes may occur.

Consistent with the findings of previous reports, the provincial government has funded MaMawi - Wi - Chi - Itata as a Resource Centre in the inner city of Winnipeg. This program will provide culturally appropriate non-statutory services to Native families and do resource development. Similar programs might be developed in other urban centres of the province or local Friendship Centres might contract to provide child and family services. Should this service delivery model prove successful, the possibility of similar developments for other ethnic groups should be considered.

RECOMMENDATION 45. THE CHAIRMAN RECOMMENDS THAT THE EFFECTIVENESS OF THE NATIVE RESOURCE CENTRE BE MONITORED AND EVALUATED FOR ITS APPLICABILITY TO OTHER CULTURAL/ETHNIC GROUPS.

This chapter recommends a service structure which is geographically based as the most appropriate for the realities of Manitoba at this time. Such service may be provided under public or private auspices as the local community sees fit.

RECOMMENDATION 46. THE CHAIRMAN RECOMMENDS THAT PRIVATE CHILD CARE AGENCIES BE MANDATED TO HAVE BOARDS OF DIRECTORS WHICH ARE COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE

GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 47. THE CHAIRMAN RECOMMENDS THAT CHILD CARE PROGRAMS OPERATED BY REGIONAL OFFICES ESTABLISH REGIONAL ADVISORY BOARDS COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 48. THE CHAIRMAN RECOMMENDS THAT WHERE SUFFICIENT POPULATION CONCENTRATIONS EXIST WITHIN THE GEOGRAPHIC AREA SERVED BY PRIVATE AGENCIES, THAT LOCAL RESOURCE CENTRES BE ESTABLISHED GOVERNED BY A BOARD COMPOSED OF RESIDENTS OF THAT AREA. THE DIRECTOR OF CHILD WELFARE WILL DETERMINE WHERE "SUFFICIENT POPULATION CONCENTRATIONS" EXIST.

RECOMMENDATION 49. THE CHAIRMAN RECOMMENDS THAT WHERE A SUFFICIENT POPULATION CONCENTRATION EXISTS WITHIN THE GEOGRAPHIC AREA SERVED BY REGIONAL OFFICES, THAT LOCAL CHILD CARE COMMITTEES BE ESTABLISHED COMPOSED OF RESIDENTS OF THAT AREA.

Note: The difference in the recommendations related to private agencies and regional offices results from the varience in the population distribution of the areas served as well as the fact that regional offices are, in effect, Resource Centres.

RECOMMENDATION 50. THE CHAIRMAN RECOMMENDS THAT THE DUTIES OF BOARDS, ADVISORY COMMITTEES, AND CHILD CARE COMMITTEES BE DEFINED TO INCLUDE THE DEVELOPMENT OF LOCAL RESOURCES FOR CHILDREN (FOSTER AND ADOPTION HOMES), THE DEVELOPMENT OF LOCAL TREATMENT RESOURCES (GROUP HOMES, THERAPEUTIC SPECIALISTS), THE DEVELOPMENT OF POLICY FOR SERVICE NOT INCONSISTENT WITH PROGRAM STANDARDS DEVELOPED BY THE DIRECTOR OF CHILD WELFARE, AND THE DEVELOPMENT OF SPECIFIC SERVICE PLANS FOR INDIVIDUAL CHILDREN.

RECOMMENDATION 51. THE CHAIRMAN RECOMMENDS THAT PRIVATE

AGENCIES AND INDIAN CHILD AND FAMILY SERVICES AGENCIES FORMALIZE THEIR RELATIONSHIPS WITH OTHER COMMUNITY SERVICES SO THAT ALL POSSIBLE RESOURCES CAN BE MOBILIZED FOR CHILDREN AND THEIR FAMILIES.

CHAPTER V

BUILDING CULTURAL SENSITIVITY

> *....... the retention, the maintenance, and the continuing viability of Italian and Italian culture is not going to depend on the teaching of Italian as a heritage language in Ontario. It depends on the retention of that culture and that language in Italy. The Native language is native to this country. So, therefore, it is important for us to be a part of the retention of that language and that culture in this country. It's not going to be preserved anywhere else.*
>
> *The Honourable Bette M. Stephenson,*
> *Minister of Education,*
> *Province of Ontario*

Native culture is worthy of retention and enhancement. Despite the concerted and continuing efforts of missionaries, Indian agents, and society as a whole to obliterate it, the culture of Canada's Native people has survived and is, in fact, enjoying a recent rejuvenation.

This renewed interest in traditional spirituality, medicine, law, and social customs is resulting in an increased sense of self-awareness and pride amongst Native people and will be reflected in a strengthening of family and community life.

The charge of the Native organizations that the child welfare system has suffered a cultural bias in dealing with Native people has certainly been validated. In the very structure of the agencies, the selection of the board, the employment patterns, and in the lack of attention to training in cultural awareness, the system has demonstrated its lack of appreciation of the Native culture.

As a result, certain situations have been perceived to be negative by the child welfare agencies which were not so perceived by the Native communities. As a result, more Native children have been removed from their homes and their communities than would be warranted on the basis of confirmed abuse or neglect.

One example of this conflict in perception is the frequent demand that a child care agency will make of a mother of Native descent that, in order to regain custody of her child, she establish her own independent domicile. This demand goes against the Native patterns of child care. In the Native tradition, the need of a young mother to be mothered herself is recognized. The grandparents and aunts and uncles expect the demands and the rewards of raising the new member of the family. To insist that the mother remove herself from the supports of her family when she needs them most is unrealistic and cruel.

It is essential for persons in the social services and in the justice system to fully appreciate the values of the Native peoples.

In the United States of America, where Native people also have a special relationship to the federal government, the right to be defined as an Indian person (and, thus, the right to certain services) is inherited through the male and the female lines. When a person has a bloodline of less than 1/4 Indian, eligibility for enrollment as an Indian person ceases.

In Canada, the definition of an Indian person has been designated only through the male line. A female Indian who married a non-Indian lost eligibility for registration as an Indian as did the children of that union. This has developed a unique group of people who in Manitoba have defined themselves as Metis.

Definitions which are generally accepted are contained in a publication of Indian Affairs Canada entitled "Adoption and the Indian Child". (underlining ours)

> ***REGISTERED INDIAN (R.I.)***
>
> *This is a person recorded as an Indian in the Indian Register. Most registered Indians are members of an Indian band, but some who belong to no band, are placed on a General List. Individuals are entitled to be registered Indians by virtue of their descent from registered Indians. Thus an adopted child whose natural mother was entitled to be registered is usually entitled to be registered as an Indian.*
>
> ***STATUS INDIAN***
>
> *A term which means the same as registered Indian.*
>
> ***NON-STATUS INDIAN***
>
> *A person of Indian ancestry who is not registered as an Indian. There are various reasons why persons of Indian ancestry may not be registered as Indians. For example, they may be persons or descendants of persons who relinquished their rights to be registered through enfranchisement, or who lost their entitlement through marriage to non-Indians.*

TREATY INDIAN

A member of a band of Indians which was a signatory to a Treaty with the Government of Canada. Approximately 50 percent of registered Indians in Canada are Treaty Indians. However, in the prairie provinces, where most come under treaties, the term Treaty Indian is often used instead of registered Indian or status Indian.

NON-TREATY INDIAN

A person who is registered as an Indian on the General List, or as a member of an Indian band that is not a signatory to a Treaty. In the prairie provinces the term is generally used to refer to a person of Indian ancestry who is not entitled to be registered as an Indian under the Indian Act.

ENFRANCHISED INDIAN

A person who has been declared enfranchised by Order in Council and is no longer entitled to be registered as an Indian.

METIS

A person of mixed ancestry, usually French and Indian, who is not entitled to be registered as an Indian under the provisions of the Indian Act. However, the Metis Population Betterment Act of 1940 defined Metis as a person of mixed white and Indian blood and having not less than one-quarter Indian blood. In some instances today it is taken to mean any person of mixed white and Indian ancestry, regardless of blood percentage.

Amendments to the Indian Act were passed on June 28, 1985. The right to be registered as an Indian will now be extended to some persons previously excluded.

Statistics of the Department of Indian and Northern Affairs Canada in 1981 set the Registered Indian population of Manitoba at 50,000. The 1981 census places the Registered Indian population of the province at 40,000.

The Department of Indian and Northern Affairs' figures accurately reflect the number of persons registered to bands in Manitoba but not all such persons live within the province.

The count of Statistics Canada is believed to be low and this is attributable to undercounting in remote communities as well as in urban centres. Some Registered Indian persons may not know that they are registered and, hence, would not so designate themselves on the census forms. This latter situation is likely where Indian children have been adopted by non-Indian families.

The establishment of a population figure for the Metis and non-status Indian population of the province is more difficult. Statistics Canada in the 1981 census lists 26,000 persons as Metis and non-status Indians. This would be the number of persons who declared themselves to be within these ethnic/cultural categories when completing the census forms.

This figure is considered to be below the actual count due to the difficulties of securing accurate data in remote communities and in the inner city.

In 1979 and 1980, the Institute of Urban Studies of the University of Winnipeg conducted a study of the Native population in the City of Winnipeg. That study estimated that there were 7,000 Treaty Indians residing in the City and a non-status Native population of 14,000.

Based on the Institute studies and assuming an equitable distribution of Native people throughout the province, it can be estimated that if there are 40,000 to 50,000 Treaty Indians in the province, there are 80,000 to 100,000 persons of Metis or non-status Indian background.

Thus, the Native population of Manitoba may total 66,000 according to the 1981 census or, estimating Metis and non-status at twice the Registered Indian population and using the higher figure of 50,000 for Registered Indians, the Native population might number 150,000.

Rounding the Manitoba population to 1,000,000, the Native people would constitute anywhere from 6.6% to 15% of the population.

MANITOBA NATIVE POPULATION

SOURCE	*TREATY INDIAN*	*METIS/ NON-STATUS*	*NATIVE TOTAL*
1981 Census	*40,000*	*26,000*	*66,000*
Indian & Northern Affairs	*50,000*		
Estimates using Institute of Urban Studies Findings		*80,000*	*120,000*
		100,000	*150,000*

It should be noted that there is no existing legal definition of the term Metis. Repeated efforts were made to secure such a definition through the representative of the Manitoba Metis Federation who served on the Advisory Committee. It was suggested to that member that the Federation attorney might seek such a definition through the courts. A definition was not forthcoming. It is not clear why the Metis organization has not pursued this matter, but it is suspected that negotiations with the federal government for recognition of aboriginal rights under the Charter may be a factor.

The only definition of Metis which could be secured was that used by the Manitoba Metis Federation itself for members - "a person of Native ancestry who perceives him/herself to be Metis or is so perceived by his/her neighbours".

While the 1981 Statistics Canada data is believed to undercount the Native population, there are some pertinent facts which can be identified:

- although 6.6% of the population is identified as Native, 11.3% of the children of the province are Native,
- for the non-Native population 33% are children, but for the Native population, 61% are children.

If all things were equal, it would be expected that the Native population would absorb or use social services in direct proportion to their number. For general services, Natives would be expected to absorb from 6.6% to 15% of service based on population estimates. For children's services, the use of service would be anticipated to be at a level of 11.3%.

This is not the case.

In 1984, Native juveniles constituted 52% of the admissions to probation service.

MANITOBA JUVENILE PROBATION SERVICES ADMISSIONS

January 1, 1984 to December 31, 1984

	Number	***Percent***
Total	***969***	***100***
Native Total	***504***	***52***
Metis/Non-Status	***195***	***20***
Treaty	***309***	***32***
Non-Native	***465***	***48***

The 1981 Statistics Canada data indicate that 48% of the inmates of provincial correctional institutions and 35% of the population of federal correctional institutions were of Native descent.

On September 10, 1982, the Children's Aid Society of Winnipeg presented a brief to the Review Committee and indicated that of the 1,267 children in the care of the agency, 480 or 38% were of Native descent.

Statistics which are so grossly out of proportion with population distribution may result, to a significant extent, from the social conditions in which most Native families are forced to live.

A publication of Social Planning Council of Winnipeg, entitled "A Review of Changes in the Living Conditions of the Registered Indian Population of Manitoba during the 1970's", reports that the census and other data sources reveal the following indicators of poverty and apparent social disorganization for the Treaty Indian population of the province:

- the school drop out rate is significantly higher for Indian youths than for the population as a whole,
- the unemployment rate of Indians is substantially higher than that of the population as a whole,
- the housing in which Indians live does not meet the standards enjoyed by the balance of the population,
- the mortality rate is higher, particularly for deaths by violence, among the young male Indian population,
- the death rate for infants is 3 times that of the total population,
- over half of Indian families with children in the City of Winnipeg are headed by a single parent, and
- the illegitimacy rate for Indians is substantially higher than for the population as a whole.

In reviewing the above information, it is important to understand some of the realities behind the statements.

The Treaty Indian population does not have the same access to education as the general population. Most Reserves now have schools offering elementary education and a few have high schools. But many children must leave their home Reserve to attend school in urban centres. The children, removed from the stability of parents and community and subject to the lures of the city, find it difficult to maintain an interest in education.

An article by Leslie Gue in the Alberta Journal of Educational Research in March, 1971, identified some causes for the high drop out rates of Native students. Language barrier was identified as a factor, as was lack of motivation. The author does suggest that the values of the teachers and the content of the curriculum may repel an Indian child resulting in loss of interest. He further suggests that individualism as taught by the school system is an alien concept to Indian students who have been taught by family to have lineal loyalties. The author concludes that if academic success is seen as resulting in intellectual, emotional, and physical separation from family, the Indian child will drop out of school.

The condition of the housing in which Indian people live might be a reflection of low income levels for urban Indians and is also, undoubtedly, the result of the limited funds which have been made available to Indian bands for housing on the Reserves.

The illegitimacy rates may reflect Indian women's response to federal legislation. If an Indian woman wishes to ensure that her children are eligible for Treaty status, she must either be legally married to a Treaty Indian or, if the man with whom she is involved is not a Treaty Indian, she must remain legally single.

The unemployment rates are a reflection, in part, of the lack of employment opportunities on remote Reserves and a lack of training for work of many Indian persons.

Alcohol has been reported to be a major factor in the high rate of death by violence among young male Indians.

In the book, Cultural Awareness in the Human Services, James W. Green discusses theories of alcohol and Indians. He rejects as naive the belief that Indians have an unusual desire for alcohol or that Indians are genetically unable to handle alcohol. Rather, Green believes alcohol is the Indian's way of handling frustration and anger against a social system which offers no opportunities or rewards. His theory would explain why, when under the influence of alcohol, Indians may engage in, or be the victims of, violent behaviour.

A 1979 paper by the National Council of Welfare entitled "in the best interests of the child" presented the position that it is the poor who are clients of the child welfare system. The paper provided two major reasons for this fact. "First, low-income parents run a greater risk of encountering problems that reduce their capacity to provide adequate care for their children. Second, poor families are largely dependent upon a single, overburdened source of help - the child welfare system - in coping with their problems, whereas more affluent families enjoy access to a broader and superior range of supportive resources."

It is agreed that poverty, and the problems associated with poverty, makes families vulnerable to the intervention of the child welfare system. It is postulated, however, that cultural bias and a lack of understanding of cultural factors also operates to account for the large number of Native children who have been removed from their own families and placed in the care of others.

In the Group Home Review, it was suggested that the child welfare system has operated to create clientele for itself and for other segments of the social services system.

Data on admissions and discharges of group homes indicates that 60% of the children admitted to group homes came from other sectors of the social service system and upon discharge, 43% of the children went to care situations within the system.

MANITOBA GROUP HOMES
ADMISSIONS AND DISCHARGES

May 1, 1983 - September 30, 1983

	From	*To*
Within Social Service System	*(194)*	*(143)*
Foster/Group/Receiving Homes	125	95
Adoption Home	5	7
Juvenile Residential Institution	55	34
Hospital	9	7
Outside Social Service System	*(79)*	*(116)*
Own/extended family	77	95
Independence	2	21
Away Without Leave	38	53
Other	16	16
TOTAL:	324	328

Joseph Westermeyer, M.D., Ph.D. of Minneapolis has written extensively on the issue of problems of Indians who were foster or adopted children. His studies of patients in psychiatric hospitals indicate that Indian children placed in white homes are likely to experience problems during their teenage years - depression, suicide attempts, and chemical dependency. (It is interesting to note that while all the study subjects were in a psychiatric hospital, none of them were described by Dr. Westermeyer as exhibiting psychotic symptoms.)

All available information would indicate that the Indian people were correct in their assertions that once their children entered the child care system they were not likely to ever be returned to their own families. The evidence would indicate they were correct in their claim that not only were those children lost to their own communities, the lives of the individual children were seriously and permanently impaired.

The cultural bias in the system for the past 40 years has made Native people victims. That must cease. The Native people have a right to expect that reparation will be made to correct the mistakes of the past. Treaty Indian children who have been placed outside their own communities have a right to be informed, and must be informed, of their Treaty rights and if they wish to reestablish contact with their own families, they have a right to expect that such contact will be expedited. For sibling groups separated for placement purposes, a special effort at reunification is the least the state can offer.

In 1983, the Province of Manitoba did make an effort to contact Treaty Indian children who had been placed for adoption in the years 1970 to 1982. The purpose was to inform adoptees and adoptive parents of the rights the child had by virtue of being a Registered Indian. A total of 873 children were identified by the Department of Indian and Northern Affairs Canada. The office of the Director of Child Welfare was able to identify through which Manitoba child care agency those children had been placed. The Director of Child Welfare wrote to each placing agency with a draft of a letter for the agencies' use.

At this point the Director of Child Welfare lost control of the process. No mechanism was in place to establish how many Treaty children were actually located. The placing agencies could also change the content of the letters.

The letters sent to adoptive parents by one agency contained the following comments:

> *"Today the practise of placing Indian children in the United States has been called into question by the Indian communities in Manitoba. They see they have lost a large part of a generation of their children. They hear more frequently about those adoptions that have not been successful than they ever do about those which have gone well."*

> *"I had hoped to have a research questionnaire developed to include in this letter but it isn't ready. As I indicated above, we (and the Indian organizations) hear about the disruptions. We seldom hear about the successes and I theorize they are the majority. I want to test my theory by asking adoptive parents to provide data about their experience."*

Such statements cannot be considered unbiased, nor are they likely to elicit balanced responses.

For children that had been placed in other provinces or in the United States, the local agencies wrote to the placing agencies requesting that the information on Treaty rights be forwarded to the children and adoptive families. There was no follow-up to establish whether those out-of-province agencies sent the information on or what percentage of the letters actually reached the designated families.

There is only one fact that can be established. At least 30 letters did reach the families who had adopted Treaty Indian children.

Along with the letters that the agencies sent out went a letter from the Chairman of the Review Committee asking for information about the adoption experience. Thirty replies were received.

Some of those letters confirmed that the child welfare system lacked sensitivity to cultural factors. This affected the ability of the placing agencies to help adoptive parents understand the special responsibilities of adopting an Indian child.

> *".....they (adoptive parents) did little to help me identify myself as an Indian person besides tease me about what a nice tan I have."*
>
> *".....we would feel remiss in our duties as parents if we did not point out the many disadvantages (as we see them) in becoming a Treaty Indian to our son."*
>
> *".....when A. came to live with me we had two follow-up visits....... A list of relevant literature might have helped....."*
>
> *"We assume at some point he will want to know more about himself and though we wish it will never happen we are prepared for the day he will want to go back......to look for his roots."*
>
> *"B. came with no medical history.....no developmental history, and virtually no data on her parents.....(she) wrote asking for any information on her birth only to be told that all records are destroyed after ten years."*
>
> *".....at the time of placement we were told she was Indian, but nothing of her tribe."*
>
> *"I asked about Treaty Rights and was told the children would not maintain their Rights after adoption."*

Many of the letters revealed that the adoptive parents had successfully assisted their children develop pride in their Indian heritage. The credit rests with the individual adoptive parents who demonstrate an incredible level of maturity and emotional security - the placing agencies did little, if anything, to facilitate this process.

The fact that cultural bias has operated to effect the lives of Native people means that, unless the system is radically sensitized, it can happen again. Historically Manitoba has been home to a wide variety of ethnic groups. While there may have been periods of estrangement between groups, the provincial community has been partially successful in avoiding open alienation and bigotry.

The patterns of immigration are ever-changing. New residents bring with them cultural patterns far different than those of groups that have established themselves here in the past. The potential for cultural clash exists. The possibility for child rearing practises being viewed by the child care agency staff as neglect or abuse is there.

The first step in building cultural sensitivity is to acknowledge that there has been bias in the past. The whole process of this study has been a means of bringing that fact to the conscious awareness of the community and to the staff of agencies and institutions which come in contact with children and families.

While the understanding of all cultures represented in a client group is essential, there can be an argument made that the culture of the Indian people should be the vehicle for teaching cultural awareness. It can be theorized that the appreciation of one culture significantly different than one's own makes appreciation of other cultures a relatively straightforward exercise.

The fact that must be accepted is that at the present time it is persons of Native descent that form the primary minority group in child welfare, in the courts and probation services, in the correctional institutions, and in inner city schools. The appreciation of Native culture is imperative if the negative impact of the current method of service delivery is not neutralized.

In the court system, a translator or interpreter must be provided to any party in the action who does not comprehend the proceedings. It is essential that judges understand how deeply the sense of courtesy is instilled in Indian persons. Indians would not be discourteous enough to say "no" to a person who represents authority. How many judges have failed to secure an interpreter when, in response to the question "Do you understand what these proceedings are about?", the Indian person has said "Yes".

How many teachers have concluded that an Indian child is mentally deficient because the child will not try to do a task it has not yet mastered? The Indian method of learning is described as observing another person perform a task, being told how that task must be performed, thinking about the task and how it should be done, and eventually performing the task with skill. Indian children do not try to do things they know they cannot do properly.

How many lawyers have believed that a client was lying because eye contact was not maintained without knowing that, to traditional Indians, looking directly at a person, particularly a stranger, is the height of rudeness?

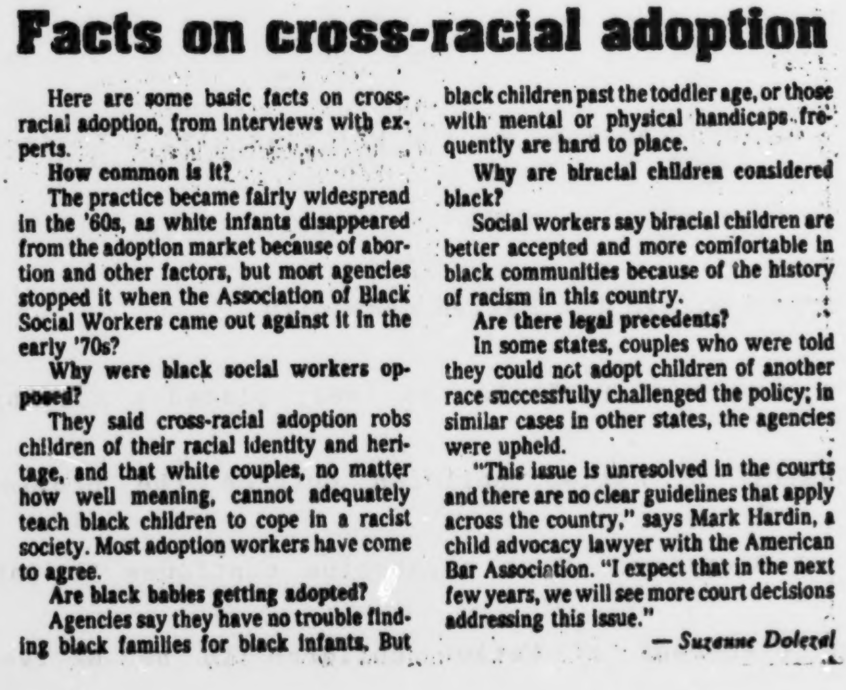
How many social workers have assumed that an Indian child has been abused because the child flinches in the presence of certain people without appreciating that the child's sense of hearing is so acute that a loud, rasping voice creates actual pain for the child?

How many doctors or nurses have judged a mother to be uncaring because she does not visit her child in the hospital without understanding that the mother realizes that her visits are intensifying the child's homesickness?

A study conducted at Regina General Hospital revealed that while hospital staff viewed Native parents of children in hospital as uncaring and uninterested, study results revealed that parents were concerned that visits would make the children more lonely, and many parents lacked the transportation to get to the hospital.

While not extensive, the literature on Native culture is growing and becoming more service specific. There is always a danger when authors begin to reveal details of their own culture, particularly when this touches on matters spiritual, that traditionalists in their own group will object to the public revelation of what they perceive to be religious secrets. However, as long as the writings deal with factors of culture in relation to human services, there should be no objection from within the Native community.

The Province of Manitoba, in 1982, placed a moratorium on the placement of Native children outside the province for purposes of adoption. That moratorium continues to this day. While the placement of Native children in non-Native homes within the provincial borders was never specifically banned, it is clear that such placements should be made as a last resort only when all attempts to find a Native home have failed. Native children are now growing up in non-Native homes. Some Native children may be placed in non-Native homes in the future. The problems for the children in such placements must be recognized and steps taken to minimize these through foster parent selection, support services, contact with Native groups, and direct culture-oriented service to the child.



Facts on cross-racial adoption

Here are some basic facts on cross-racial adoption, from interviews with experts.

How common is it?

The practice became fairly widespread in the '60s, as white infants disappeared from the adoption market because of abortion and other factors, but most agencies stopped it when the Association of Black Social Workers came out against it in the early '70s?

Why were black social workers opposed?

They said cross-racial adoption robs children of their racial identity and heritage, and that white couples, no matter how well meaning, cannot adequately teach black children to cope in a racist society. Most adoption workers have come to agree.

Are black babies getting adopted?

Agencies say they have no trouble finding black families for black infants. But black children past the toddler age, or those with mental or physical handicaps frequently are hard to place.

Why are biracial children considered black?

Social workers say biracial children are better accepted and more comfortable in black communities because of the history of racism in this country.

Are there legal precedents?

In some states, couples who were told they could not adopt children of another race successfully challenged the policy; in similar cases in other states, the agencies were upheld.

"This issue is unresolved in the courts and there are no clear guidelines that apply across the country," says Mark Hardin, a child advocacy lawyer with the American Bar Association. "I expect that in the next few years, we will see more court decisions addressing this issue."

— *Suzanne Dolezal*

Detroit Free Press
December 21, 1984

In a Masters thesis, completed by Kenneth Cornelius Plett, it was reported that, of the couples who had adopted an Indian child, the majority did not take steps to increase their own awareness of Indian culture. A full 25% reported to have never talked to the child about their Indian background. In addition, the study indicated that one quarter of the adoptive parents reported receiving no counselling from the agency after the child was placed with them.

RECOMMENDATION 52. **THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY THAT A NATIVE CHILD BE PLACED IN A NON-NATIVE FAMILY THAT THE ASSESSMENT OF THAT FAMILY INCLUDE CONSIDERATION OF ATTITUDES TOWARDS NATIVE PEOPLE, CAPACITY TO INVOLVE THEMSELVES IN NATIVE CULTURE, ABILITY TO FORM RELATIONSHIPS WITH PERSONS OF NATIVE DESCENT, AND UNDERSTANDING OF THE NEED TO ASSIST THE CHILD DEVELOP KNOWLEDGE OF AND PRIDE IN CULTURAL HERITAGE.**

The literature indicates that Native children placed in non-Native homes are likely to experience identity problems during their teenage years and these problems can lead to conflict with peers, with the educational system, and with the law. The letters received from adoptees and adoptive parents would confirm those research findings.

> *".....her studies were suffering.....her blues got bluer.....there was over $200 run up on their (phone) calls.....now it was lies and more lies....."*
>
> *".....the children ran wild.....failed to complete their grades, they hung out with ex-convicts, experimented with illegal substances, hung around bars and liquor outlets, drank, etc....."*
>
> *"she has had turbulent teen age years.....now has a little girl of her own....."*
>
> *"She did have problems in her teen years.....She craved popularity (perhaps partly because of being shut out for racial prejudices) but got it by joining the smoking, drinking and drug elements."*
>
> *"During my teen years I left home.....the kids at school were constantly discriminating against me..... I tried drugs and alcohol.....I'm so confused right now....."*
>
> *".....(he) is attracted by 'the bad crowd'. He likes to act the tough kid....."*
>
> *".....(he) had no trouble with teachers until grades 8 or 9....."*
>
> *".....Psychological counselling ensued over a period of many months until a series of run-aways, school suspensions, thefts, police pick-ups, and disruptive behavior led to the recommendation for inpatient care....."*
>
> *"At 15.....(she) started to do strange things. She would leave home.....she started to miss class and have problems at school.....attendance problems and problems relating to teachers.....began using alcohol and drugs.....she became self destructive when intoxicated....."*

Research conducted by McRoy et al and reported in the November, 1982, edition of Social Work, suggested that children raised in homes which are ethnically or racially different than themselves may develop a secure sense of themselves as individuals, but their racial self-perception will be impaired. The conclusion that writers reach is that adoptive or foster parents of the dominant society simply cannot prepare children for the prejudice that does exist. Adoptive and foster parents who are educated about, and sensitive to, the issues of cross-ethnic/racial adoptions can minimize the problems the children will experience.

RECOMMENDATION 53. **THE CHAIRMAN RECOMMENDS THAT CHILD PLACING AGENCIES ACCEPT THE REALITY THAT SPECIAL PROBLEMS MAY BE EXPERIENCED BY CHILDREN OF ONE ETHNIC/CULTURAL GROUP WHEN PLACED IN HOMES OF ANOTHER ETHNIC/CULTURAL BACKGROUND AND THAT CHILDREN AND ADOPTIVE PARENTS BE OFFERED CULTURALLY SENSITIVE COUNSELLING TO PREVENT OR TREAT SUCH PROBLEMS.**

The investigations carried out in this review confirmed the allegations of the Indian people that the child care agencies were insensitive to the cultural patterns of Native families.

In the review of the files of Native children placed out of province (virtually all of those children were placed in non-Native homes) there was no evidence that cultural factors were even discussed with the adopting families. In no file was it clear that adopting families were told of a child's Treaty rights or of cultural differences which might emerge.

During the study of group homes, it was found that only in the homes specifically developed for Native children was there any attention given to the development of cultural identity. It must be noted that the group homes serve teenagers almost exclusively, and that an estimated 40% of the residents are of Native descent.

In the interviews with agency personnel, the decided lack of appreciation of cultural differences was also noted with alarm. At the same time these interviews were conducted, the level of conscious awareness of cultural issues should have been at its most acute stage in light of the publicity that had surrounded the review. Yet staff seemed abysmally uninformed about Native value systems. It appeared that workers through training and employment experience had been programmed to view people as carriers of the symptoms of social pathology rather than as fully rounded human beings with weaknesses and strengths. Workers also seemed unable to view Native persons as part of a family and community network which also had weaknesses and strengths.

For example, a Native mother may leave her infant child with a relative for an extended period of time with the full confidence that the child will have the same care, love, and security that she herself would give it. A worker who did not understand the Indian concept of the child as a member of the total community, rather than as the exclusive property of a single set of parents, might perceive that child to be abandoned when it is, in fact, residing within its own "family".

Similarly, a Native mother who does not provide constant eyes-on supervision of a child might be viewed by a social worker as negligent. It must be appreciated that Native parents give a child a great deal of independence and freedom. A child is viewed as an equal member of the community capable of making independent decisions. Proper behaviour is not taught by giving orders or direction, but by example. Native children are expected to assume, and are capable of assuming, responsibility for themselves and for others at a much earlier age than children residing in families whose culture is European based.

Adoption is said to be a custom deeply rooted in Indian societies. A child might be given to a family which has no children. A teenager might move in with a grandparent to provide needed services. The band may conclude that a family has too many children to provide proper care and remove some children to be raised by another family.

The major difference between traditional Indian adoptions and the adoption practises of the formal child care system is that the natural parent and the child do not lose contact with each other.

Life for a child on a Reserve or in a Native community is described as one of safety, love, adventure, and freedom. A child feels, and is, welcome in any home and may join any family for a meal. A mother is not concerned if a child does not return home for a meal or even to sleep. The mother knows that some family is willingly providing for the child. This pattern is one that causes Native parents grief when they move into urban centres because the reality is that urban life is different and dangerous. A mother who does not immediately report her child as missing is viewed as neglectful by the urban agencies.

The raising of children is seen as a communal responsibility with the immediate and extended family carrying the primary responsibility for a specific child. In addition to the input of grandparents, aunts, uncles, and older siblings, the parents, it is understood, may select a specific person to assume a special role in a child's life. This person will oversee the child's development, teach necessary skills, and maintain a lifelong relationship with the child.

Adoption in Native communities does not only apply to children. A family may adopt a grandparent. A child may adopt an uncle or an aunt. A man may adopt another as a brother and each will assume all the rights and responsibilities of a natural brother to each other's wife, children, and relatives.

Grandparents are reported to have a special responsibility to children. It is the grandparents' responsibility to see to the socialization of the child, to see that it grows into a responsible member of the Native community. To this end, a grandparent has the freedom to correct and admonish the child and the parents.

Information available indicates that these characteristics are fairly general amongst Indian people. It would be misleading, however, to suggest that all tribal societies are alike. To the contrary, it is understood that there are greater differences between Indian tribes than there are between Norwegians and Greeks.

In Manitoba, there are Crees, Ojibways, Sioux, and Chippewayans. To the non-Native community they may seem to be very much alike and, indeed, in their efforts to present a unified front in dealing with governments the Indian people have tried to convey an impression of a single culture. There are many differences, however, as well as old emnities which continue to come between the tribes.

There was a story heard in Alberta that members of one tribe may not enter the territory of another because of an event which occurred over 200 years ago. There is a local story of a professional worker of Ojibway descent who refused to accept a client who was from The Pas because he knew a Cree would murder him.

It is wise to add that some of the cultural patterns previously described are not necessarily exclusively Indian. Many other cultures share the concept of the extended family and expect children to accept responsibilities early.

Material used by the Immigration and Settlement Branch, Department of Employment Services and Economic Security, Province of Manitoba, for the purpose of educating teachers about cultural patterns of new immigrant groups indicates that the definition of a family by East Indians includes grandparents, parents, children, uncles, aunts, and cousins. Loations are described as relying on the network of the extended family for financial, as well as emotional, support. The Vietnamese consider the family to incorporate in-laws and it is not uncommon for children to be raised by someone other than the natural parents. Cambodians, it is reported, expect the older children to take an active role in raising their younger siblings, as do Chileans.

In a recent book entitled Cultural Awareness in the Human Services, James W. Green offers some guidelines for those working with people of different cultures:

1. *Consider all clients as individuals first, as members of minority status, and then as members of a specific ethnic group.*

2. *Never assume that a person's ethnic identity tells you anything about his or her cultural values or patterns of behaviour.*

3. *Treat all "facts" you have ever heard or read about cultural values and traits as hypotheses, to be tested anew with each client. Turn facts into questions.*

4. *Remember that all minority group people in this society are bicultural, at least. The percentage may be 90-10 in either direction, but they still have had the task of integrating two value systems that are often in conflict. The conflicts involved in being bicultural may override any specific cultural concept.*

5. *Some aspects of a client's cultural history, values, and lifestyle are relevant to your work with the client. Others may be simply interesting to you as a professional. Do not prejudge what areas are relevant.*

6. *Identify strengths in the client's cultural orientation which can be built upon. Assist the client in identifying areas that create social or psychological conflict related to biculturalism and seek to reduce dissonance in those areas.*

7. *Know your own attitudes about cultural pluralism, and whether you tend to promote assimilation into the dominant society values or to stress the maintenance of traditional cultural beliefs and practises.*

8. *Engage your client actively in the process of learning what cultural content should be considered.*

9. *Keep in mind that there are no substitutes for good clinical skills, empathy, caring and a sense of humour.*

As this report is being written the law does not yet require that cultural and linguistic factors be taken into account when planning for a child. The recommendation that the legislation be amended to incorporate these factors was made in the spring of 1983. The new Child and Family Services Act does contain a definition of "best interests of the child" which includes the requirement that cultural and linguistic heritage be considered.

This report has already discussed how sensitivity to culture can be incorporated into the very structure of the agencies and regional offices which provide child welfare services.

Efforts must be undertaken to provide training in the area of cultural awareness for those already in the human service professions. As far as can be determined, professional associations in the fields of law, health care, and social services have not specifically provided training for practitioners, but cultural issues may be touched upon in the course of discussion of other service delivery matters.

The directorate of the Child and Family Support arranges an annual conference for practitioners in the field of child welfare and Native culture has been included as a workshop topic. It is known that the Canadian Council of Christians and Jews has arranged workshops on the topic of cross-cultural awareness. The International Centre of Winnipeg also offers special workshops for various professional groups to develop sensitivity to cultural behaviour patterns.

RECOMMENDATION 54. **THE CHAIRMAN RECOMMENDS THAT ASSOCIATIONS OF PRACTITIONERS IN THE FIELDS OF LAW, HEALTH CARE, AND SOCIAL SERVICES ARRANGE FOR TRAINING OPPORTUNITIES IN THE AREA OF CULTURAL AWARENESS AND THAT PARTICIPATION IN SUCH TRAINING BE A REQUIREMENT FOR THOSE WHOSE CLIENTELE INCLUDE MEMBERS OF CULTURAL/ETHNIC MINORITIES.**

It is essential that child care agencies employ members of the cultural/ethnic groups which are represented amongst their clientele. This is equally true for all human services. Such employment should be accompanied by appropriate training to permit these individuals to gain the knowledge and credentials necessary for continuous employment.

A number of work/training programs have been identified which are directed toward members of minority groups.

The New Careers program, offered by the provincial Department of Employment Services and Economic Security, aims to provide meaningful job opportunities to targetted disadvantaged people - Natives, women, and the handicapped. The program can tailor itself to the specific needs of agencies and has been selected by many of the Indian child and family services agencies as the training resource for staff. The program is able to train about 150 persons at a time and participants are expected to be competent to perform jobs within a specific time frame. A certificate is presented to successful students who are encouraged to move on to formal professional educational programs.

The provincial Department of Education encourages, funds, and monitors programs which will provide professional training to persons who would normally not have access to such opportunities. The target group is persons of low income who would normally be excluded from post secondary education by virtue of geographic location, lack of formal prerequisites, or cultural, ethnic, family, or linguistic barriers. The program seeks to ensure economic security during the period of training, provide employment opportunities in local communities, and to provide the personal support and counselling necessary to maximize the possibility of success.

Among the ACCESS programs investigated were:

- BUNTEP (Brandon University Northern Teacher Education Project). This is a four year program leading to a fully recognized provincial teaching certificate. Training is provided in local communities with courses offered by travelling professors. Upon completion, students are qualified to teach anywhere in the province, but the hope is that they will accept employment in their local communities. Graduates are encouraged to seek further degrees through regular post graduate programs.
- Winnipeg Education Centre (Education). This 4 year program aims at residents of Winnipeg's inner city and provides a full Bachelor of Education degree upon successful completion. The schedules and support services provided are geared to meet the life realities of the students.

- Winnipeg Education Centre (Social Worker). Also aimed at residents of Winnipeg's inner city, this 4 year program provides a Bachelor of Social Work degree upon successful completion. This program offers students more exposure to actual work experience than is offered to students in the regular program and employment in Winnipeg social agencies was anticipated.

Other ACCESS programs provide opportunities for Native persons to undertake training in the areas of nursing, business administration, and medicine.

A program aimed at providing training for members of identified minorities, while at the same time filling the staffing needs of child care institutions, was developed by Marymound School in cooperation with Red River Community College. Upon completion, students receive a certificate and, it is reported, are almost guaranteed employment in group homes or residential institutions throughout the province.

RECOMMENDATION 55. THE CHAIRMAN RECOMMENDS THAT EFFORTS TO PROVIDE TRAINING FOR MEMBERS OF CULTURAL MINORITIES BE EXTENDED TO ENSURE THE AVAILABILITY OF QUALIFIED PERSONNEL FOR HUMAN SERVICE AGENCIES WHO ARE MEMBERS OF THE SAME ETHNIC/CULTURAL GROUPS AS THE CLIENTS. SUCH TRAINING SHOULD BE

> EQUIVALENT TO THAT IN TRADITIONAL TRAINING INSTITUTIONS, SHOULD BE LINKED TO REALISTIC EMPLOYMENT OPPORTUNITIES, SHOULD INCLUDE FINANCIAL AND SUPPORT SERVICES TO MAXIMIZE SUCCESSFUL COMPLETION, AND SHOULD LEAD TO CAREER ADVANCEMENT THROUGH TRAINING AND/OR EXPERIENCE.

Cultural awareness courses must also be introduced into professional education programs. A substantial number of students in law, medicine, education, and social work will find themselves working with members of cultural/ethnic groups which have values different than their own. Sensitivity to those differences must be developed so that professional practitioners can effectively serve their clients. This is particularly important when cultural differences are in the areas of family life and child rearing practises.

Both the University of Manitoba and Brandon University offer courses in Native Studies for undergraduates and some courses are provided through the programs of anthropology, economics, geography, history, and sociology. Only the Faculty of Education offers a course in cross-cultural awareness for their students. In no case is participation in such courses mandatory.

RECOMMENDATION 56. THE CHAIRMAN RECOMMENDS THAT POST GRADUATE PROFESSIONAL SCHOOLS INCORPORATE INTO THEIR CURRICULUM MATERIAL DESIGNED TO INCREASE AWARENESS AND APPRECIATION OF CULTURAL PATTERNS OF GROUPS WITH WHICH GRADUATES ARE LIKELY TO COME IN CONTACT.

It would, of course, be best if acceptance of cultural differences occurred long before individuals entered employment in the human services.

RECOMMENDATION 57. THE CHAIRMAN RECOMMENDS THAT HIGH SCHOOLS INCORPORATE INTO THE CURRICULUM CONSIDERATION OF A VARIETY OF CULTURAL PATTERNS WITH A VIEW TO DEVELOPING SENSITIVITY TO, AND UNDERSTANDING OF, CULTURAL DIFFERENCES.

In the Group Home Review there was criticism that, except for a few notable exceptions, group home operators paid too little attention to the cultural background of their teenage residents. It was felt that discussion of, and exposure to, the values of the child's natural cultural background would enhance efforts to assist youngsters develop a positive self-image. That report also noted, however, that representatives of cultural/ethnic groups in the community were not coming forward to offer their services to child caring agencies.

RECOMMENDATION 58. **THE CHAIRMAN RECOMMENDS THAT ETHNIC/CULTURAL GROUPS IN THE COMMUNITY CONTRIBUTE FINANCIAL AND HUMAN RESOURCES TO THE FIELD OF CHILD CARE THROUGH:**

- **THE ESTABLISHMENT OF EMERGENCY SHELTERS FOR PARENTS AND CHILDREN,**
- **THE ESTABLISHMENT OF DAY CARE CENTRES,**
- **THE PROVISION OF SCHOLARSHIPS TO ENABLE MEMBERS OF THEIR GROUPS TO UNDERTAKE PROFESSIONAL TRAINING IN THE HUMAN SERVICES.**

- THE ADOPTION OF A FAMILY.
- ACTING AS RECRUITERS FOR FOSTER AND ADOPTIVE HOMES.
- TRAINING MEMBERS OF THEIR GROUPS FOR EFFECTIVE PARTICIPATION ON BOARDS AND LOCAL COMMITTEES OF CHILD AND FAMILY SERVICES AGENCIES.
- PROVIDING RESOURCE PERSONS TO TEACH ETHNIC VALUES TO STUDENTS, AGENCY STAFF, COURT PERSONNEL, PROFESSORS AND EDUCATORS.
- PROVIDING OPPORTUNITIES FOR INVOLVEMENT IN ETHNIC/CULTURAL ACTIVITIES FOR RESIDENTS OF GROUP HOMES AND INSTITUTIONS, AND
- PROVIDING VOLUNTEERS AS BIG SISTERS AND BIG BROTHERS FOR CHILDREN OF THEIR OWN ETHNIC/CULTURAL GROUPS.

CHAPTER VI

CHILDREN ENTERING THE CHILD CARE SYSTEM

"Will you walk into my parlour?" said a Spider to a Fly,
"It is the prettiest parlour that ever you did spy!
You've only to pop your head inside of the door,
You'll see so many curious things you never saw before."

"My fine house is always open," said the Spider to the Fly,
"I'm glad to have the company of all I see go by,"
"They go in but don't come out again - I've heard of you before."
"O yes, they do, I always let them out at my back door......"

Mary Howitt

The Child Welfare Act provides for five means by which a child may come under the supervision of a child caring agency.

1. TEMPORARY CONTRACT PLACEMENT

Section 13 (1) of The Child Welfare Act provides:

> *Temporary contract placement.*
>
> *13 (1) A parent or other person who has actual custody of a child and who through necessitous or other circumstances, illness or misfortune, likely to be of a temporary duration is unable to make adequate provision for the child, may apply to a child caring agency to have the child placed temporarily in a foster home, group foster home, or institution, or any other place which provides child care.*

Under this provision, a child caring agency may enter into an agreement with the parent or guardian for a period of up to 12 months. This agreement can be renewed, but the total period of supervision cannot exceed 18 months. Such an agreement may contain a requirement that the parent contribute to the support of the child according to rates established by regulation. This requirement, however, can be waived at the discretion of the Director if it is believed that hardship may result. The courts are not involved in this process.

Of all the children in care in 1984, 20% were in care by virtue of this provision. The parents voluntarily permitted the child care agency to assume responsibility for the child for a designated period of time, up to a maximum of 18 months. In 1979 only 8.6% of the children in care entered care through this section of the Act.

Children in care under this provision should be monitored by the Child Protector's office and, as appropriate, such cases should be subject to the review of the court.

2. MENTALLY RETARDED CHILDREN

Section 14 of The Child Welfare Act provides:

> *Mentally retarded children.*
>
> *14 The director may authorize the placement of a mentally retarded child placed in his care and supervision pursuant to an order of the Director of Psychiatric Services, in a foster home, group foster home, or institution.*

The Director of Psychiatric Services will issue an order of supervision in a situation where a mentally retarded child must be physically separated from its parents, such as, when placement in a residential centre is necessary, when a child must be placed away from parents for training purposes, or when parents are not able to finance the form of care which is deemed to be necessary for the child. The courts are not involved in this process. While the Director of Child and Family Services assumes responsibility for the care and supervision of the child, the legal guardianship remains with the parents. Only 1.6% of the children in care enter the system through this provision.

Such cases should be monitored by the Child Protector and subject to review by the court when appropriate.

3. VOLUNTARY SURRENDER OF GUARDIANSHIP

Section 15 (1) of The Child Welfare Act provides:

> *Voluntary surrender of guardianship.*
>
> *15 (1) Notwithstanding any other section of this Act, a single mother may, by agreement on a prescribed form, surrender guardianship of her child to the director or a society, and an agreement under this section is a good and valid agreement notwithstanding that the single mother is under the age of majority.*

The legislation prohibits the voluntary surrender of guardianship until a full 7 days have elapsed after the birth of the child, at which time, after the guardianship is surrendered, the child becomes a permanent ward of the Director. Married parents may also surrender custody of a child. Any person or persons who have surrendered guardianship may withdraw that surrender at any time up to the day the child is placed for adoption, or within one year of the date of the agreement. The courts are not involved in this process. Of all the children in care, 4.6% entered care through this provision.

These cases should also be monitored by the Child Protector's office to ensure that parents are fully informed of the implications of their decision. Where appropriate, the Child Protector should bring forward cases for the review of the court.

4. CHILD IN NEED OF PROTECTION

Section 16 of The Child Welfare Act provides:

> *Child in need of protection.*
>
> *16* *In this Act, a child in need of protection means*
>
> *(a) a child who is an orphan or who has been abandoned or deserted by his parents and*
>
> *(i) who is not being properly cared for by anyone, or*
>
> *(ii) who with the consent of the person in whose charge he is, is brought before a judge to be dealt with under this Act;*
>
> *(b) a child where the parent or person in whose charge he is cannot, by reason of disease, infirmity, misfortune, incompetence, imprisonment, or any combination thereof, care properly for him;*

> (c) *a child whose life, physical or mental health, or morals may be endangered by the conduct of the person in whose charge he is;*
>
> (d) *a child who is beyond the control of his parents or person in whose charge he is;*
>
> (e) *a child whose behaviour, condition, environment or association is injurious to himself or others;*
>
> (e.1) *a child who refuses or is unable to provide properly and adequately for the health and welfare needs of herself or her child;*
>
> (f) *a child under the age of 2 years whose parents are unable or unwilling to care for him;*
>
> (g) *a child where the parent or person in whose charge he is neglects or refuses to provide or obtain proper medical, surgical, or other remedial care or treatment necessary for health and well-being of the child, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner;*
>
> (h) *a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge the child is;*
>
> (i) *a child under the age of 12 years who is left unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child;*
>
> (j) *a child subjected to abuse; or*
>
> (k) *a child who is the subject of activities in violation of sections 97 or 128.2.*

This provision will be discussed later in this chapter.

A full 58.5% of the children in care in 1984 were made temporary or permanent wards of a child care agency by order of the court under this provision. In 1979, 71.5% of the children in care entered through this process. The more frequent use of Temporary Contract Placement would account for the reduction.

5. JUVENILE DELINQUENTS ACT

Prior to the passage of the federal Young Offenders Act, children could be made wards by virtue of their delinquent behaviour under provisions of the Juvenile Delinquents Act. Although children no longer enter the system under this Act, as of December 31, 1984, 34 children, or 1.3% of the children in care, had been made wards by the court. This number will decrease as wardship orders expire, or when the children reach the age of majority.

Under the Young Offenders Act, children of 12 years of age or older may be found to be guilty of criminal offences and committed to the custody of "open" or "secure" facilities for periods of time set out in the legislation. Children under the age of twelve are deemed to be incapable of committing criminal offences.

The courts have lost the ability to commit children who have committed crimes to the care of a child caring agency. Provincial legislation is required to reinstate the power of the court in this area.

CHILDREN IN CARE OF AGENCY OR REGION
BY LEGAL STATUS AS OF DECEMBER 31st

LEGAL STATUS	1979 (1)	1980 (1)	1981 (2)	1982 (3)	1983 (4)	1984 (5)
UNDER APPREHENSION	340	368	468	370	366	370
TEMPORARY WARDS	784	651	719	762	710	680
PERMANENT WARDS-COURT	1597	1383	1241	1161	1054	912
PERMANENT WARDS-VSG	182	210	192	167	132	124
TEMPORARY CONTRACT PLACEMENT	286	380	300	327	476	547
CHILDREN WHO ARE NON-WARDS THROUGH J. D. COMMITTALS	63	74	69	58	64	34
CHILDREN WHO ARE NON-WARDS THROUGH MENTAL RETARDATION COMMITTAL ORDER	51	37	40	39	39	43
OTHER (ORDERS OF SUPERVISION, ETC.)	20	7	10	20	53	10
TOTAL	3323	3110	3039	2904	2894	2720

(1) No Indian child and family services agencies reporting.
(2) Dakota Ojibway Child & Family Services included.
(3) West Region, South East and Anishinaabe Child & Family Services included.
(4) Awasis Child and Family Services included.
(5) Data for Anishinaabe and Dakota Ojibway Child & Family Services agencies not included.

The legislation which defines children who are in need of protection contains many words and phrases which are value laden - "not being properly cared for", "incompetence", "morals may be endangered", "behaviour", "unable to provide properly", "unable or unwilling", "proper medical......care", "emotional or mental development", "unreasonable length of time" and "abuse".

Any judgment made in relation to such terms is bound to be coloured by an individual's own personal background - sex, education, life experience, ethnic background, and socio-economic status. Cultural bias in the child welfare system is practised at every level from the social worker who works directly with the family, through the lawyers who represent the various parties in a custody case, to the judges who make the final disposition in the case.

The legislation provides that any officer of a child caring agency or of a family court, or a peace officer may apprehend a child without a warrant if it is believed that a child is in need of protection. Any person apprehending a child must notify the appropriate child caring agency immediately.

The agency, in turn, must notify the parents or guardian of the apprehension at once, and, if the child remains in custody for four juridical days, there must be an application filed with a judge, magistrate, or justice of the peace. Where a child is returned to the parent in less than four juridical days, there need not be notification to the courts. There would be value in such notification.

Parents, guardians, and the person who had custody of the child at the time of apprehension must be served with notice ten clear days before the date of the hearing unless such notice is waived by the person entitled to be notified or dispensed with by a judge.

At such hearings, the child need not be present and the persons affected may be represented by legal counsel. The judge may order legal counsel for the child.

At such a hearing, the views of the parties involved are presented so that the judge may determine what action shall be in the child's "best interests".

There is a distinct difference in the response of the system to the cases of children apprehended in the south and those apprehended in remote northern communities. Such disparities should not exist. The residents of Manitoba's north are entitled to equal treatment under the law.

There is a statutory obligation that when a temporary order of guardianship expires, the child care agency must apply to have the matter heard before the court within 30 days so that the court may determine whether the best interests of the child are served by continuing the period of temporary guardianship, by making the child a permanent ward, or terminating the agency guardianship.

In a case recently heard in a northern court, the temporary guardianship orders had expired in September, 1983. It was not until March, 1985, that the case was decided upon. Hearings had been set beginning in January, 1984, and successively remanded to the following court date, which, in effect, delayed the hearing of the case for a total of 19 months. There can be no justification for such a situation.

RECOMMENDATION 59. THE CHAIRMAN RECOMMENDS THAT THERE BE A PROVINCIAL COURT JUDGE APPOINTED TO BE LOCATED IN THE NORTH TO PROVIDE SERVICE TO REMOTE COMMUNITIES ON A MORE REGULAR BASIS, AND BY SPECIAL ARRANGEMENT AS NEEDED, TO ENSURE THAT RESIDENTS OF NORTHERN COMMUNITIES RECEIVE THE SAME LEVEL OF SERVICE AS SOUTHERN URBAN CENTRES.

RECOMMENDATION 60. THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR PAY PARTICULAR ATTENTION TO CASES OF CHILDREN UNDER APPREHENSION IN NORTHERN MANITOBA TO ENSURE THAT CASES ARE DEALT WITH BY THE CHILD WELFARE SYSTEM AND THE COURTS EXPEDITIOUSLY AND IN ACCORDANCE WITH THE PROVISIONS OF THE CHILD WELFARE ACT.

A case need not be considered by the court if the parents of the child or the guardian consent to the child caring agency having temporary guardianship of the child, or agree to an order of supervision. Where an order of supervision is granted, the child remains in the parents' or guardians' home subject to the supervision of the child caring agency.

The problem inherent in guardianship orders or orders of supervision secured by parental consent is ensuring that it is informed consent. For persons of Native descent, as for others, there may be a basic language barrier, or there may be difficulty in understanding the right to challenge a plan of a child care agency. The use of interpreters and court communicators for procedures in court has been recommended. Agencies have a special responsibility to ensure that parents transferring guardianship of their children by voluntary consent fully understand the implications of their actions and are aware of steps that they may take to withdraw that consent should they wish to do so.

RECOMMENDATION 61. **THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR MONITOR CASES OF CUSTODY BY CONSENT TO ENSURE THAT PARENTS HAVE BEEN FULLY INFORMED OF, AND COMPREHEND, THE IMPLICATIONS OF THEIR VOLUNTARY ACTION AND ARE AWARE OF STEPS**

THAT CAN BE TAKEN TO WITHDRAW SUCH CONSENT.

The legislation determines what action a judge may take.

> *Orders of the judge.*
>
> *27(1) Where upon the completion of a hearing under section 25, a judge finds that a child is in need of protection, he shall in the best interest of the child, order*
>
> *(a) that a child under 5 years of age at the date of apprehension be made a temporary ward of the director or a society for a period not exceeding 6 months; or*
>
> *(a.1) that a child more than 5 years of age and under 12 years of age at the date of apprehension be made a temporary ward of the director or a society for a period not exceeding 12 months; or*
>
> *(b) that a child of 12 years of age or older be made a temporary ward of the director or a society for a period not exceeding 24 months; or*
>
> *(c) that the child be made a permanent ward of the director or a society; or*
>
> *(d) that the child be returned to his parents or to such other person in whose charge he was at the time of apprehension and place the child under the supervision of a child caring agency for a period not exceeding 6 months.*

If temporary guardianship has been granted by a judge, the legislation provides that a further hearing can be held.

> *Further hearings.*
>
> *30 (1) Where under section 27 a judge has made an order granting temporary guardianship of a child to the director or a society, any judge may, notwithstanding that order, upon application made by the director, society or parent of the child*

(a) at any time during the period of the temporary guardianship; or

(b) within 30 days after the expiration of the period of the temporary guardianship;

hold further hearings for the purpose of making a further order to

(c) continue or extend the period of temporary guardianship; or

(d) make the child a permanent ward of the director or society; or

(e) terminate the temporary guardianship and discharge the child; or

(f) terminate the temporary guardianship and place the child under supervision of the society or the director for a period not exceeding 6 months.

The legislation limits the total duration of temporary guardianship to 24 months for a child under the age of 12 years.

Statistics of the Provincial Court (Family Division) for 1982 provide some indication of the extent of the involvement of the courts in custody cases.

PROVINCIAL COURT (FAMILY DIVISION)

Statistics, 1982

ST. BONIFACE (St. Boniface) (St. Vital) (Transcona)

	No. Cases
CAS Docket	282
CAS Hearing	54
Wpg. Cases Heard at St. B. CAS	62

NORTH COURT (North Winnipeg) (Garden City) (Elmwood)

CAS Hearing	22
CWA Hearing	20

WINNIPEG (St. Norbert) (St. James) (Central Winnipeg)

CAS Docket	2,975
CAS Hearing	341
CWA Hearing	99

PORTAGE LA PRAIRIE (Langruth) (Sandy Bay) (Amaranth) (Treherne) (Carberry)

CAS Docket	209
CAS Hearing	17

- -

SUMMARY

CAS Docket (number of children apprehended and in custody more than 4 days)	3,466
CAS Hearings (contested custody cases)	496
CWA Hearings (may or may not be contested cases)	119

In 1982, the cases of 3,466 children were brought before the courts in St. Boniface, North Winnipeg, Winnipeg and Portage la Prairie. Of those, a minimum of 496 (14%) or a maximum of 615 (17%) were contested custody cases. This would indicate that 83% to 86% of the children who were alleged to be in need of protection came into the care of the agencies with the consent of, or at least an absence of an objection from, the parents or guardians. These figures would support the possibility of coercion or intimidation of parents who are not fully aware of their rights within the judicial system. There is also a significant number of parents who are under the age of 18 who, under the present law, should not be signing consent orders relinquishing custody of children without the advice of either a guardian, guardian ad litem, or the Public Trustee.

Excluded from the above statistics are those children taken into custody for less than 4 juridical days as no notification of the court is necessary. The documentation on children in care indicates that on December 31, 1984, 370 children, or 13.6% of all children in care, were under apprehension and had neither been returned home nor brought before the courts. This is a significant number of children.

RECOMMENDATION 62. THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES BE REQUIRED TO REPORT TO THE CHILD PROTECTOR INFORMATION ABOUT CHILDREN TAKEN INTO CUSTODY FOR LESS THAN 4 JURIDICAL DAYS, INCLUDING DOCUMENTATION OF THE CIRCUMSTANCES OF APPREHENSION, A DESCRIPTION OF THE ACTION TAKEN BY THE AGENCY, AND THE FINAL DISPOSITION OF THE CASE. AS APPROPRIATE, THE CHILD PROTECTOR SHALL BE MANDATED TO BRING FORWARD CASES FOR THE REVIEW OF THE COURT.

For those of Native descent there has been sufficient history built up to indicate that a parent has little chance of regaining, or retaining, custody of a child once an agency and the agency's lawyers have become involved. By consenting to a child being made a ward, parents may see themselves as succumbing to the inevitable, as well as avoiding the public humiliation that a contested case would cause them to suffer.

> *When children are apprehended, there begins a process which is often very lengthy and incomprehensible to Indian parents. There are remands for service of notice, remands for legal aid applications, remands for particulars, and often delays of two or three months to set a hearing date. Parents may have to appear in court repeatedly, each time wanting an opportunity to explain their situation and get their children back, but each time faced with a further delay that everyone else seems to understand and accept, but to them seems a denial of justice. They never seem to get a chance to tell their story to the judge. He seems indifferent to their plight and even their own lawyer seems to accept the process. Sometimes a social worker who is sensitive to the case agrees to drop the application and return the children before there is a hearing. Other times workers coerce parents into agreeing to a temporary court order "because if you fight you'll have to wait three months anyway". There should be an opportunity for the parents to be heard by the judge on their first appearance in court. True, all the witnesses may not be primed by the lawyers prepared for the fight, but the essential circumstances that led to the apprehension are not known. In serious criminal cases a preliminary hearing is held. Is not the removal of children as serious?*
>
> *Brief to Review Committee,*
> *Anishinaabe Child & Family Services,*
> *November 5, 1982*

Research conducted in the United States suggests that Native families approach child care agencies in search of help for funds to supply food and shelter and end up losing their children. The study of cases served by the Child Resource Centre in Oakland, California illustrated that, in their concern for the protection and well-being of their children, Indian families relinquished custody to child care agencies simply because they could see no other way of providing for the children.

In one case that was reviewed for the File Review Report, an Indian mother came to the agency to ask that the child be placed in a foster home for a few days to permit the mother time to recover her health, find a place to live, and get her life in order. The file note stated - "I explained that we didn't do that......." The mother relinquished custody of the child and, according to the file, "disappeared".

Native people have alleged that when they approach a child care agency for help, they are offered only one option - relinquish custody of the child. A review of agency budgets would provide confirmation of this position. One readily available resource to assist families in times of stress is the provision of homemaker service - yet agencies have made only token use of this service as an alternative to apprehension of the children and placement away from their own families.

HOMEMAKER COSTS AS PERCENT OF TOTAL AGENCY EXPENDITURE

Agency or Region	*1981/82*			*1982/83*		
	Total Expenditure	*Homemaker Cost*	*%*	*Total Expenditure*	*Homemaker Cost*	*%*
C.A.S. of Eastern	*818,149.00*	*92,642.52*	*11.32*	*868,532.00*	*92,234.58*	*10.62*
C.A.S. of Central	*631,654.00*	*27,888.42*	*4.42*	*825,370.00*	*30,819.29*	*3.73*
C.A.S. of Western	*1,472,787.00*	*27,035.91*	*1.84*	*1,750,415.00*	*21,918.45*	*1.25*
C.A.S. of Winnipeg	*7,946,983.00*	*27,379.42*	*.34*	*10,508,972.00*	*39,832.52*	*.38*
J C & F S	*456,247.00*	*12,693.82*	*2.78*	*533,073.00*	*3,283.12*	*.62*
Winnipeg Region	*791,918.00*	*26,135.00*	*3.30*	*996,311.00*	*12,273.00*	*1.23*
Eastman	*238,488.00*	*2,177.00*	*.91*	*236,917.00*	*13,372.00*	*5.64*
Central	*4,227.00*	*0*	*0*	*11,373.00*	*516.00*	*4.54*
Interlake	*397,635.00*	*6,585.00*	*1.66*	*392,286.00*	*6,394.00*	*1.63*
Parklands	*856,253.00*	*1,403.00*	*.16*	*928,845.00*	*4,535.00*	*.49*
West Region C & F S	*0*	*0*	*0*	*16,275.00*	*2,648.00*	*16.27*
Norman	*485,717.00*	*3,969.00*	*.82*	*599,640.00*	*11,338.00*	*1.89*
Thompson	*1,094,496.00*	*775.00*	*.07*	*1,308,972.00*	*6,621.00*	*.51*
TOTAL	*15,194,554.00*	*228,684.09*	*1.51*	*18,976,981.00*	*245,784.96*	*1.30*

The research has suggested that, although a high percentage of the children who have come into care as being "in need of protection" are children of Native descent, Native families are no more prone to abusing or neglecting their children than any other group. In fact, actual abuse of children is believed to be lower amongst Native families. The evidence is increasing that neglect and abuse have been alleged to have occurred because staff of child care agencies and the judicial system have not understood the cultural values and patterns of Native people.

The theory put forth by the National Council of Welfare in the publication "in the best interests of the child" that the poor are vulnerable to intervention in their lives by the child welfare system suggests, further, that the system may be biased against the poor simply because they are poor. The results of poor nutrition may be defined as "failure to thrive", the lack of funds to provide adequate accommodation may be defined as "failure to provide decent and adequate housing".

There is also the suggestion that workers have failed to recognize that problems in some Native families are directly the result of alcoholism. Rather than treat the alcoholism, the system has merely removed the children leaving the adults in a state of greater hopelessness and helplessness and resulting greater dependency on alcohol, inevitable health deterioration, and possible death.

> *The problems being dealt with are symptoms of other problems which have existed long before any agency may become involved with the family/children. For example, child neglect may just be a manifestation of a serious alcohol problem with the parent(s). Usually, the typical solution is the apprehension of the children with little regard to the treatment of the parents. It is the parents who need immediate attention and service. Should the problems with the parents be solved, the result would be that the children may not have to be apprehended and placed in care, saving time and effort. Proper planning with the family can result in a better home for the children. Often, the Act may lead others to misdirect their attention away from the real problems or provides for a convenient crutch.*
>
> *Brief to Review Committee,*
> *Dave Daniels, Long Plain Reserve,*
> *January 4, 1983*

In an article about family functioning of Indian families, Red Horse et al quote a study conducted by Ronald Lewis in

Milwaukee, Wisconsin. That study revealed that when faced with a health problem, an Indian followed a definite sequential pattern in seeking help. First, the Indian looks to himself to solve the problem and then to the immediate family. Next, the individual would seek help of the members of the extended family - cousins, aunts, uncles. The next resource would be the religious leader and then the tribal council. Only after all these steps have been taken would the Indian seek assistance of the formal health care system.

A similar pattern may exist in the child welfare field. Hesitancy to seek professional help unless all other possible resources have been exhausted could result in an approach being made to the child care agency only when the situation has reached such desperate proportions that the only possible help that can be given is to move the children to another setting for their own protection and safety.

The Indian people of Manitoba offer another explanation for their apparently weak parenting skills. They suggest that because, for generations, children were sent to residential schools and were not themselves parented, they lost the ability to parent.

> *I personally attended Indian Residential Schools for eleven years and on leaving it took me another eleven years to mentally undo the devastation perpetrated therein by religious and other fanatics. Young Indian children were taken away from their environment. There are many social-psychological studies available at the Universities' libraries pointing to the fact that such institutions are psychologically damaging for children. One school Principal in Brandon used to call us God's children three times on Sundays at the three services and the rest of the week call us dirty little Indians. No one ever hugged us or told us they loved us. We were mere numbers. Strappings, beatings, hair cut to baldness, being tethered to the flag pole, half day school with unqualified tutors, and slave labour the other half were commonplace. There was an environment of hostility and confrontations between staff and students continually.*
>
> *Brief to Review Committee,*
> *William Clarence Thomas,*
> *Superintendent for the Peguis*
> *School Board,*
> *November 5, 1982*

The facts reveal that the child welfare system touches the lives of many Manitoban families at one time or another and that Native families are particularly vulnerable to such intervention.

TOTAL ADMISSIONS TO CARE AND DISCHARGE -

April 1, 1983 to March 31, 1984

Agency	Number in care April 1, 1983	Total Admissions	Total Discharges
CAS Central	179	109	143
CAS Eastern	142	158	160
CAS Western	343	326	374
CAS Winnipeg	1414	1339	1435
J C & F S	7	10	11
Eastman	53	24	47
Interlake	73	78	72
Norman	86	100	96
Parklands	158	174	175
Thompson	342	445	477
Winnipeg	146	156	174
Anishinaabe	46	80	64
DOCFS	185	205	207
Southeast	29	31	14
West Region	32	55	31
Awasis*	---	109	72
TOTAL	3235	3399	3552

*Reporting began December, 1983.

These statistics do not reveal facts which would be valuable for program planning. There is no way to identify whether the same children are entering and leaving the system repeatedly, nor is it possible to determine how long children remain in care - less than 4 days, 6 months, a year? There is no way to determine how many of these children might be available for adoption, or how many children might be in need of long-term care.

The statistics maintained by the Child Welfare Directorate do not include the Indian children who are provided for through various programs of the federal government.

RECOMMENDATION 63. **THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO REPORT TO THE DIRECTOR OF CHILD WELFARE ON A MONTHLY BASIS THE STATISTICS OF INDIAN CHILDREN MAINTAINED IN HOMES OTHER THAN THEIR OWN AND FUNDED BY VARIOUS FEDERAL PROGRAMS.**

Commonly known as the "pay list", certain Indian children are supported in homes other than their own by the Department of Indian and Northern Affairs. According to that Department, these children fall into one of two categories. The first, called Guardian Social Allowance, provided funds for children placed with relatives where, without financial support, hardship would have been created. The second category was similar to foster placements with children placed in homes on or off the Reserve.

Children are described as having entered this program under a number of different circumstances. Some children had been placed with grandparents at birth. In some cases, relatives assumed responsibility when the children were orphaned or when parents were experiencing difficulties. Some children were transferred to the "pay list" by Medical Services when a child's disability or illness required a long-term placement in an urban centre. These children were placed in homes other than their own with no transfer of legal guardianship, no legal sanction, and no judicial process.

It is reported that at one time over 500 children were on the "pay list". In April, 1983, the children on the Guardian Social Allowance program were transferred to the Social Assistance program with payments now made by the Band Welfare Administrators. These cases are reported to be under review by the local Indian child and family services agencies which, presumably, will assume responsibility for supervision and for maintenance payments.

In May, 1984, the "pay list" consisted of 119 children and by January, 1985, the number was down to 100. No new names had been added to the list between those two dates.

The 100 children on the "pay list" are in 79 homes and are members of 29 different bands. The children range in age from 3 to 17 years. The range of payments made for children is $101.10 to $341.00. For the same period, the range of payments made by the provincial government for children in foster homes was $193.00 to $367.00. Clearly the Indian children and the families caring for them, are not receiving financial support equal to that determined by the province to be necessary for the support of children in foster homes administered by the private agencies and regional offices.

RECOMMENDATION 64. **THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXAMINE THE CASES OF THE CHILDREN PREVIOUSLY UNDER THE FEDERAL GUARDIAN SOCIAL ALLOWANCE PROGRAM TO ENSURE THAT THESE CASES ARE BEING SUPERVISED BY THE APPROPRIATE**

CHILD AND FAMILY SERVICES AGENCY AND THAT PAYMENTS BEING MADE BY THE FEDERAL GOVERNMENT FOR THE CHILDRENS' MAINTENNANCE IS EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 65. THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXPEDITE THE TRANSFER OF THE CHILDREN REMAINING ON THE "PAY LIST" TO THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY FOR SUPERVISION AND THAT PAYMENTS MADE BY THE FEDERAL GOVERNMENT FOR THE MAINTENANCE OF THESE CHILDREN BE EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 66. THE CHAIRMAN RECOMMENDS THAT IMPLEMENTATION OF THE PREVIOUS TWO RECOMMENDATIONS BE CONTINGENT ON THE GUARANTEE OF THE FEDERAL GOVERNMENT THAT THE COST OF SUPPORT OF TREATY INDIAN CHILDREN IN HOMES OTHER THAN THEIR OWN WILL BE BORNE BY THE FEDERAL GOVERNMENT WHETHER SUCH FOSTER HOMES ARE ON A RESERVE OR OFF THE RESERVE.

Medical Services of Health and Welfare Canada provides for the maintenance needs of Treaty Indian children resident on Reserves who must be sent to urban communities for necessary medical services. In February, 1985, there were 12 children in long-term placements for medical reasons. There were also 59 adults and children in boarding facilities while in Winnipeg for short-term medical services.

The decision that an Indian person must be transported from a Reserve for medical care is made by the Reserve nurse or nurse practitioner in consultation with the supervisor, attending physician, or consulting physician. The nurse is responsible for determining whether or not the patient requires an escort. A parent or escort always accompanies a child. All arrangements are made by Medical Services referral clerks.

When a child must be sent to, or remain in, an urban centre for medical care, parents are asked to sign a consent form which reads:

> *"I hereby authorize the attending physician and hospital staff in charge of the above named patient to carry out any form of examination, tests, treatment, and to administer such medications as they may consider advisable in the diagnosis and treatment of this patient.*
>
> *I understand and appreciate that no guarantee can be given as to the results of such measures and accept the normal risk of complications or side effects.*
>
> *I also authorize the attending physician to arrange placement of this patient in another hospital or a suitable boarding home while undergoing investigation, treatment or follow-up of his/her disease or condition.*
>
> *I also authorize release of information on these patient referral forms to medical professionals as required for treatment purposes."*

Boarding homes for the long-term care of children are located through advertisements in newspapers and through "word of mouth". Provincial guidelines for foster homes are used for assessing boarding homes and the names of selected homes are sent to the office of the Director of Child Welfare. There is no licensing procedure. Homes found to be unsuitable are not used again. There is no check of the abuse registry.

The 12 children in long-term care range in age from one year to 14 years and have been in care for periods of less than a month to 14 years. The rates paid are $11.20 to $13.40 per day, with a supplement paid in cases where unusual and extensive care must be provided.

The appropriate Indian child and family services agency is now involved in all cases in the long-term care of Medical Services in planning for future care and establishing and/or maintaining a relationship with the natural family. A review of cases indicates that all children are now in contact with their own families, with children placed recently having a stronger and more positive relationship than those children who were placed in earlier years.

RECOMMENDATION 67. THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES CONTINUE THEIR EFFORTS TO PROVIDE THE NECESSARY DIAGNOSTIC AND TREATMENT SERVICES ON RESERVES SO THAT REMOVAL OF CHILDREN FOR MEDICAL CARE WILL NOT BE NECESSARY.

RECOMMENDATION 68. THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY TO SEPARATE AN INDIAN CHILD FROM ITS OWN FAMILY FOR MEDICAL CARE, THAT THE INVOLVEMENT OF THE APPROPRIATE

INDIAN CHILD AND FAMILY SERVICES AGENCY BE MANDATED FOR PURPOSES OF SUPERVISION OF THE CHILD, PLANNING FOR THE FUTURE AND FACILITATING CONTINUED CONTACT BETWEEN THE CHILD AND NATURAL FAMILY.

RECOMMENDATION 69. THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES AND THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY CO-OPERATE IN DEVELOPING TECHNIQUES FOR FACILITATING THE CONTINUATION OF A POSITIVE RELATIONSHIP BETWEEN CHILD AND FAMILY. IN ADDITION TO REGULAR VISITS, THERE SHOULD BE A ROUTINE EXCHANGE OF LETTERS, PHOTOGRAPHS, TAPES, AND VIDEOTAPES. CONFERENCE TELEPHONE CALLS SHOULD BE USED TO DISCUSS THE PLANS FOR THE CHILD INVOLVING PARENTS, CHILD CARE WORKER, RESERVE NURSE, PHYSICIAN, HEALTH SERVICES SOCIAL WORKER, BOARDING HOME PARENTS, AND OTHER PERSONS AS MAY BE NECESSARY.

At times, children who are not Treaty Indian must also be separated from their families for extended periods for purposes of medical care. While Medical Services only secures a consent form signed by parents, some child care agencies in the north routinely seek legal custody of the child in such instances. This may be necessary. However, when guardianship of a child is taken for the sole purpose of securing medical care which is not available in the home community, there should be no implication that the parents have been neglectful, or that the child has been in need of protection.

RECOMMENDATION 70. **THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO PERMIT PARENTS OR GUARDIANS TO ENTER INTO AN AGREEMENT WITH THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY WHEN A CHILD MUST BE PLACED AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE.**

RECOMMENDATION 71. **THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR THE PROVISION OF CARE TO ALL CHILDREN WHO MUST BE AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE BE LICENSED UNDER LEGISLATIVE PROVISIONS RELATED TO FOSTER HOMES AND SUPERVISED BY THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY.**

RECOMMENDATION 72. THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO CONTINUE THE FINANCIAL SUPPORT OF TREATY INDIAN CHILDREN WHO MUST BE AWAY FROM THEIR OWN HOMES FOR PURPOSES OF MEDICAL DIAGNOSIS OR CARE.

RECOMMENDATION 73. THE CHAIRMAN RECOMMENDS THAT PAYMENT FOR THE CARE OF INDIAN AND NON-INDIAN CHILDREN WHO ARE AWAY FROM HOME FOR MEDICAL DIAGNOSIS OR TREATMENT BE AT THE SAME RATE AS IS PROVIDED FOR FOSTER CARE, WITH SUPPLEMENTARY PAYMENTS MADE WHEN THE NATURE OF THE HEALTH PROBLEM REQUIRES SPECIAL SKILLS AND ATTENTION FROM FOSTER PARENTS.

A third federal program provides for maintenance payments for Treaty Indian children who must be away from their own homes for educational purposes.

It is estimated that there are 12,000 Indians in the province attending school. Of these, 1,800 to 2,000 students reside away from home for purposes of education. This would include those attending grade school, high school, university, vocational training, or special education programs.

Application forms for children must be signed by both the student and the parents or guardian.

The student promises:

1. *To attend classes regularly and consistently.*
2. *To consult with my Home/School Co-ordinator or Counsellor if any problems arise academically, emotionally, physically or financially.*
3. *To adhere to school regulations and meet the standards required by the school for continuation in my course of studies.*
4. *To provide my marks and reports to the Student Services upon the request of my Counsellor or Home/School Co-ordinator.*
5. *To adhere to any rules and regulations as may from time to time be advised to me by the Student Services.*

The parents or guardians provide authorization to the appropriate organization:

(a) To arrange educational assistance for my child/ward as noted in section 2 above.

(b) To grant permission for medical surgical (including any emergency treatment) or dental treatment which my child/ward may require. This may include any form of examination or tests, immunizations, inoculations, anesthetics, admission to and treatment in hospital. I understand that the need for any of the above will be determined by a competent medical authority.

(c) To grant permission for my child/ward to travel as required to participate in the program noted above and supervised activities organized for students. (Individual unsupervised travel must be authorized by parents or guardian in writing before it will be permitted.)

The authority for approving student applications rests with either the band or the tribal council. Services to and for the students are provided through counselling organizations such as the Manitoba Indian Education Association or similar services sponsored by the Island Lake bands, Peguis, and the Southeast Tribal Council.

Boarding homes are recruited through newspaper ads. Applicants are interviewed and, if approved by staff, students are referred to these homes. There is no check with the police or the abuse registry. If homes are found to be unsatisfactory, there are no further referrals to these homes.

The board and room rate depends on the student's educational level and the geographic location. Rates range from $285.00 - $325.00 per month and additional grants are made for transportation, clothing, school supplies, and personal allowance. The continuation of funding is dependent on the student's regular attendance in the education program.

For some students the experience of moving from a remote Reserve to an urban centre can be difficult. The move away from family, relatives, and a compact community can create stresses difficult to handle. Children may become involved in activities which bring them into conflict with school authorities, with the law, and to the attention of the court system.

There is no consistent follow-up of the children who drop out of the education program. Some return home, others simply disappear in the City only to reappear in the courts after being apprehended for criminal activities.

The evidence would indicate that there is a higher rate of retention in school programs when the education is controlled and managed by the Indian people themselves.

RECOMMENDATION 74. **THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT ACCELERATE EFFORTS TO TRANSFER FUNDS AND RESPONSIBILITIES FOR EDUCATION TO BANDS AND TRIBAL COUNCILS.**

RECOMMENDATION 75. **THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR INDIAN CHILDREN FOR EDUCATIONAL PURPOSES BE SUBJECT TO THE SAME STANDARDS AS HOMES USED TO PROVIDE FOSTER CARE, AND THAT CULTURAL SENSITIVITY BE A MAJOR FACTOR IN THE APPROVAL OF SUCH HOMES.**

RECOMMENDATION 76. THE CHAIRMAN RECOMMENDS THAT RESEARCH BE CONDUCTED TO DETERMINE THE IMPACT ON CHILDREN OF BEING AWAY FROM HOME FOR EDUCATION PURPOSES COMPARED WITH THOSE CHILDREN WHO COMPLETE THEIR EDUCATION WITHIN THEIR OWN TRIBAL AREA.

RECOMMENDATION 77. THE CHAIRMAN RECOMMENDS THAT, WHEN INDIAN CHILDREN MUST MOVE FROM THEIR OWN HOMES FOR PURPOSES OF EDUCATION, INFORMATION AND ASSISTANCE BE PROVIDED TO THE APPROPRIATE STAFF OF THE RECEIVING SCHOOL DIVISIONS TO MINIMIZE ANY PROBLEMS THE CHILDREN MIGHT ENCOUNTER IN ADAPTING TO THE SCHOOL.

RECOMMENDATION 78. THE CHAIRMAN RECOMMENDS THAT RATES PAID BY THE FEDERAL GOVERNMENT ON BEHALF OF INDIAN CHILDREN IN BOARDING HOMES FOR PURPOSES OF EDUCATION BE AT THE SAME RATE AS THAT PAID IN OTHER PROGRAMS.

CHAPTER VII

CHILDREN IN THE SYSTEM

> *We do have our own traditional adoption system. We didn't have to sign a paper to say I was going to adopt this child. It was our tradition and way of life to accept others as our own.*
>
> *When there was an orphan, the orphan was taken and had parents. We learned to share that humble house where bannock and tea was our food and that is how we lived. I didn't have to have steak. We didn't have to have a bed. We lay on mother earth. Our bodies were strong. We were straight. We ate. We breathed in the fresh air. But in the name of developing a person into somebody that they weren't, these are things we are suffering from.*
>
> *Eva McKay,*
> *Dakota Ojibway*
> *Child & Family Services,*
> *May 27, 1982*

There are 3,000 Manitoba children in the care of the private agencies and regional offices - just under 1% of the children of the province.

The methods of providing care for children have varied over time. Authors indicate that there is no mention in biblical or classical literature, or in Native folklore of dependent or unwanted children. Such children were provided for within the kinship system.

With the development of the Elizabethan laws (1601), two forms of care emerged - the placement of children as indentured servants and care in almshouses. These concepts of care, provided as religious charitable functions, were transferred to North America where Indian children were placed in residential facilities, not because they were without parents, but through the desire of missionaries to convert the children to both the religion and the social mores of the settlers. *Those who came to this continent were not prepared to acknowledge that another culture and religion even existed, much less had value*. Indian children were force fed Christianity.

The latter part of the 19th century saw the development of institutions for children. *Orphanages*, under the auspices of religious denominations, emerged as the form of care for children without family.

In Manitoba, care for children in orphanages reached its peak in the 1920's. Foster care was introduced and grew until, it is reported, it became the primary means of providing for children not able to be cared for in their own homes. What had been orphanages evolved into institutions for the care of the older child or for children who, for whatever reason, were unable to accommodate to a foster home setting.

The concept of group homes emerged in the late 1940's, and the 1970's saw a sudden increase in such facilities in Manitoba. This type of care was seen as providing for children not able to use foster homes but who were not sufficiently disturbed to require the higher priced, closed setting of the institutions.

During the latter part of the 1960's and early 1970's, there was a significant increase in the number of children of Native descent coming into the care of the child care agencies. Native families were moving into urban centres at an increasing rate in search of employment, health services, and for training and education opportunities. The sudden loss of community supports and the stresses of urban life created situations perceived by the child care system to be child neglect. The closing of Indian residential schools precipitated the apprehension of many Indian children. Some families had been able to cope with children for two months in the summer, but not for the full year.

> *In 1969 we had 156 children in care, and in the spring of that year, Indian Education decided unilaterally that no child on any Reserve served by Child Welfare Agencies should be eligible for attendance at Indian Residential School. One set of grandparents on a Reserve in this area had 27 grandchildren returned to their two room house in June 1969. None of their daughters, who were single parents living off the Reserve, were prepared to plan for their children. The grandparents were obviously unable to cope with so many and requested that 20 of the children come into our care.*
>
> *"Some Historical Perspectives in*
> *relation to The Children's Aid*
> *Society of Western Manitoba and*
> *Its Services to Indian Reserves*
> *since 1962",*
> *Margaret E. Goodman and*
> *Bruce Fraser, October, 1983*

By 1977, concern was being expressed about the proliferation, and the cost, of group homes. Group homes had developed under a variety of auspices. Private profit-making groups, non-profit organizations, child care agencies, and institutions were establishing group homes without coordination and without consideration of the extent of the need or where such homes were required. No standards were in place for monitoring the safety, or the program content, of these group homes.

After a study in 1977, an office was established to license and to fund group homes, and to relate funding and admission policy to the level of care each home was determined to be capable of providing.

Further concern about group homes prompted an investigation of group homes in connection with this review in 1983. One of the findings was that there appeared to be more children in group settings than seemed necessary. Identified were those children who could more appropriately be accommodated in a foster home, and those children 16 and 17 years of age who might not require as structured a setting as a group home to prepare them for independent living at age 18, the age of majority in Manitoba.

(It should be noted that the age of majority is not consistent throughout Canada. In Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Alberta, the Yukon, and the North West Territories, a child becomes an adult at 16. Manitoba, Newfoundland, and Quebec set that age at 18, and British Columbia at 17.)

PLACEMENT OF CHILDREN IN CARE

MARCH 31, 1984

TOTAL NUMBER OF CHILDREN IN CARE			2879
TOTAL NUMBER OF CHILDREN IN PAY CARE		2251	
Foster Home Placement			
Regular Rate Foster Home	1194		
Special Rate Foster Home	248		
Group Home Placement			
Support Home	35		
Private Group Home	206		
Agency Group Home	114		
Agency Receiving Home	59		
Emergency Shelter	12		
Other Facility	212		
Maternity Home	11		
Institutions			
Childrens Home	26		
Knowles	26		
Marymound	69		
Sir Hugh John Macdonald	25		
Private Institution in Manitoba	8		
Private Institution out of Manitoba	6		
TOTAL NUMBER OF CHILDREN IN NON PAY CARE		628	
Selected Adoption Probation	166		
Correctional Institutions			
Agassiz	24		
Seven Oaks	38		
Manitoba Youth Centre	8		
Doncaster	6		
Mental Retardation Facilities			
Manitoba School	3		
St. Amant	20		
Other Public Institutions	5		
Other Non Pay Care Institutions	358		

The above statistics reveal that, as of March 31, 1984, of the 2879 children who were in care, 78% were in placements for which payment was made by the child care system. Of the 2251 in paid care -

- 64% were in foster homes,
- 18% were in group home placements,
- 1% in emergency shelters or maternity homes,
- 7% were in child care institutions, and
- 10% were in arrangements designated by the statistics as "other" facilities.

Of the 2879 children in care, 22% were in placements for which no payment was made. Of the 628 non paid placements -

- 26% were in adoption placements (or 6% of all children in care),
- 12% were in correctional institutions,
- 4% in facilities for the mentally retarded, and
- 58% were in placements not designated by the statistics.

In summary, we see that -

- 56% of the children in care were in family settings - foster or adoptive homes,
- 24% of the children in care were in group settings - group homes or institutions, and
- 20% are in settings which were not specified in the statistics.

A number of techniques have been used to recruit foster and adoption homes. The traditional child care agencies reported that the use of the "Children Who Wait" series was of limited value in identifying useful homes, but that this newspaper column did have a valuable public relations function. Similarly, "Foster Parent Recognition Night" was reported to be effective in enhancing the public image of foster parents, but not necessarily productive in finding new homes. This reality should be recognized.

RECOMMENDATION 79. **THE CHAIRMAN RECOMMENDS THAT EACH YEAR THE DIRECTOR OF CHILD WELFARE CONTRACT WITH A PROFESSIONAL PUBLIC RELATIONS FIRM TO CONDUCT A PROVINCE-WIDE CAMPAIGN ON BEHALF OF ALL CHILD CARE AGENCIES. THE FOCUS OF THE CAMPAIGN SHOULD BE ON RECRUITING FOSTER AND ADOPTIVE HOMES, AND SHOULD ALSO SERVE TO BRING POSITIVE RECOGNITION TO THOSE FAMILIES CURRENTLY FOSTERING AND ADOPTING.**

The agencies report that the most effective recruitment technique is "word of mouth". Friends of adoptive or foster parents frequently submit applications themselves. This system, while producing a satisfactory number of adoptive and foster homes, by its very nature perpetuates the existing pattern. If present foster and adoptive parents are members of the middle-class and the dominant ethnic group, new foster parents will be of the same socioeconomic class.

As the clientele of child care agencies became increasingly representative of the Native community, the distance, in cultural terms, between client and care provider was bound to expand. This led to the situation of Native children being placed in non-Native foster and adoptive homes almost exclusively, and to the charge of Native organizations that child care agencies were practising "cultural genocide".

Newly established Indian child and family agencies have taken an aggressive approach to recruitment. Not initially having a resource base, they had no other option. They also express the philosophy that action to find an adoptive or foster home should begin with the child. Having determined the kind of home that would be best for a specific child, a search should be made to find a home that best approximates that ideal.

The Indian agencies have the advantage of being structured to ensure maximum community input through board composition, community committees, and employment of local people. They also have "band lists" so that every possible resource can be explored.

Traditional agencies must adapt their structure and their employment practises to ensure that they also are sensitive to the communities they serve, and to increase their access to local resources. They must also begin to use aggressive recruitment techniques through consultation with knowledgeable community people, use of voters lists, tax lists and city directories, and direct door-to-door contact with families which have the potential of offering a home for a specific child.

RECOMMENDATION 80. THE CHAIRMAN RECOMMENDS THAT ALL CHILD

CARE AGENCIES BEGIN WITH THE NEEDS OF A SPECIFIC CHILD WHEN SEEKING FOSTER AND ADOPTIVE HOMES, AND THAT THEY USE ALL AVAILABLE RESOURCES TO IDENTIFY POTENTIAL HOMES IN THE LOCAL COMMUNITY.

Once identified, potential foster and adoptive homes are assessed by the appropriate child care agency as to their acceptability as a placement resource for children.

The general community, the Native community, and, surprisingly, even one child care agency, tend to view foster and adoption home standards as rigid. The representatives of Native organizations expressed the view that the standards were the major barrier to the placement of Native children in Native homes. It was suggested that the relaxation of these standards, and the adoption of the principle that local standards prevail, would open the door for Native families to be foster or adoptive parents.

In 1981, the Child and Family Service Directorate developed a document entitled "Standards for Children's Foster Care

Services". For whatever reason, that document has never been finalized and is still marked DRAFT. This document, which does include many specifics as to personal qualities sought in foster parents and the physical requirements to insure safety and security, is essentially a guide for agencies to ensure that a wide variety of factors are given consideration by the agencies prior to issuing a foster home license. The legislation states that requirements can be waived at the discretion of the licensing authority.

With regard to adoption homes, the Child Welfare Act and the regulations require only that an adoptive family be "acceptable" to the mandated child care agency. Again, the Directorate has issued guidelines which are entitled "Standards for Adoption Services".

As far as can be determined these "guidelines" are internal documents used only by the staff. This means that persons who apply to foster or adopt have no way of knowing against what criteria they will be judged, or what test they will be subjected to.

In the course of this study, the Chairman was informed that there are a multitude of unwritten, unverbalized rules by which prospective adoptive and foster parents are measured. The Chairman heard that -

- a couple was told that after the placement of a child, the adoptive mother could not work for two years,
- a single female applicant was told she had to have $5,000. in the bank and promise not to have a relationship with a man for 6 years,
- couples were told they were "immature" or "too old" without having those terms defined, and
- a family was told that the second child must be younger than the child (natural or adopted) already in the family.

The criteria by which foster and adoptive families are judged must be uniform throughout the province, must be written, and must be available.

RECOMMENDATION 81. **THE CHAIRMAN RECOMMENDS THAT THE CRITERIA BY WHICH FOSTER AND ADOPTIVE FAMILIES WILL BE EVALUATED BE WRITTEN, BE CONSISTENT THROUGHOUT THE PROVINCE, BE PUBLICLY AVAILABLE, AND GIVEN TO ALL WHO INDICATE AN INTEREST IN FOSTERING OR ADOPTING.**

For this review, the files of children placed for adoption were examined. In those files there was some information about families which had been considered as possible adoption placements. It was the impression of the Chairman that the kind of children these families were seeking, as this was reflected in the social workers' comments, bore little relationship to the characteristics of the children who were permanent wards of the agencies and available for adoption.

Social workers' comments convey the impression that all adoption applicants seek Caucasian, healthy infants. The Chairman believes that people who seek to adopt are generally mature and capable and willing to provide home and family for children who may not necessarily meet this "perfect" criteria.

The Dakota Ojibway Child and Family Services agency in 1983 conducted an intensive recruitment campaign for adoption homes. This campaign consisted of identifying families on each Reserve who might be interested. Visits were made to each of these homes and information about the children available for adoption was left with them. This campaign resulted in the placement of 31 children.

The booklet developed for this recruitment campaign contained pictures and information about the actual children for whom homes were being sought. There was a description of the children, and a description of the kind of home sought for each specific child.

It is believed that prospective adoptive families will respond positively to information which enables them to recognize themselves in the description of the kind of family that would best suit a particular child.

RECOMMENDATION 82. **THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES PREPARE INFORMATION SHEETS WITH PICTURES OF CHILDREN ACTUALLY AVAILABLE FOR ADOPTION, AND THAT THESE BE SHOWN TO PROSPECTIVE ADOPTION FAMILIES.**

The present guidelines for the evaluation of foster and adoptive homes are based on publications of the Child Welfare League of America. The 1978 edition of the publication

"Standards for Adoption Services" contains the following statement:

> •
> •
> •
>
> *4.6 National, cultural, and social background*
>
> *National, cultural and social factors should not be considerations in the selection of an adoptive home, except in the case of an older child or in the case of an adoptive family to whom these factors may be of importance.*
>
> > *National and cultural characteristics are not inherited but must be learned. The adopted child acquires the cultural and social attributes of the adoptive family. The older child who has lived with a natural or foster family and acquired their characteristics may attach significance to these attributes.*

Such a statement seems to illustrate insensitivity to the views being expressed during the 1970's by American blacks, Mexicans, and Puerto Ricans.

> *"Is it surprising that general American society, lacking any coherent culture, or having at best a crazy quilt culture of disintegrating values, would reject culture as an essential factor in child development?"*
>
> *Evelyn Blanchard and*
> *Russell Barsh,*
> *September, 1980*

The provincial guidelines indicate what factors need to be considered, but do not indicate how such factors should be evaluated. The Director should give some direction to ensure that families are dealt with equitably, regardless of their geographic location or the child care agency through which they apply.

RECOMMENDATION 83. **THE CHAIRMAN RECOMMENDS THAT NEW GUIDELINES FOR THE EVALUATION OF FOSTER AND ADOPTIVE HOMES NOT ONLY CONTAIN THE FACTORS WHICH MUST BE CONSIDERED, BUT ALSO PROVIDE DIRECTION ON HOW EACH FACTOR SHOULD BE RATED AND WEIGHTED IN THE ASSESSMENT OF HOMES.**

In support of the above, the study of the Children's Aid Society of Central Manitoba is noted. The Social Planning Council of Winnipeg criticized that agency for not having clearly defined "the values upon which it bases its service". If each child care agency were to be responsibile for defining its own philosophy and values, the result would be chaos.

The general philosophy and values of the child care system must be embodied in the legislation itself to be implemented by each agency. While it has previously been recommended that agencies be given latitude to implement programs in a way that is compatible with the local community, certain standards must be met by agencies to insure that all Manitobans receive equal service.

It is interesting to note that the current guidelines suggest the evaluation of certain factors for foster homes, but do not require the consideration of the same factors for adoption homes. For foster homes, a check of the child abuse registry is required, but this is not suggested in the guidelines for adoption homes.

RECOMMENDATION 84. **THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A SIGNED APPLICATION FROM PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES, THERE BE AN AUTOMATIC CHECK WITH THE ABUSE REGISTRY AND WITH THE POLICE TO ENSURE THAT NO CHILD IS PLACED IN A SITUATION THAT HAS THE POTENTIAL TO BE DANGEROUS.**

It should also be noted that although prospective foster and adoptive families are required to provide the names of references, not all agencies secure such references. Such negligence cannot be tolerated.

RECOMMENDATION 85. **THE CHAIRMAN RECOMMENDS THAT AGENCIES BE REQUIRED TO MAKE CONTACT WITH THE PERSONS LISTED AS REFERENCES BY FOSTER AND ADOPTIVE APPLICANTS TO SECURE THEIR VIEWS ON THE ABILITY OF THE APPLICANTS TO PROVIDE A SAFE, SECURE, AND LOVING HOME FOR CHILDREN.**

The foster home guidelines require an evaluation of the security, safety, and adequacy of the accommodation in which the family resides, but do not suggest the same evaluation of the potential adoptive home. The adoptive home study outline, however, does suggest there be a description of the neighbourhood in which the family resides, as well as a description of the "lifestyle" of the family - whatever "lifestyle" means.

The guidelines for foster home evaluations include a discussion of disciplinary practises and patterns of problem handling, but do not suggest that adoptive home parents be engaged in this type of discussion although it is certainly as

30 Winnipeg Free Press, Thursday, September 8, 1983

Adopted son describe

Children bound by neck, forced to ru

CALGARY (CP) — Roy Luyendyk, his jaw clenched, stared intently from the prisoner's box yesterday as an adopted son told a jury his father tied binder twine around the necks of two foster children and made them run alongside a truck and bulldozer.

Luyendyk, a powerfully-built, 51-year-old dairy farmer, and his wife, Jean, 52, are on trial in Court of Queen's Bench on 10 charges of assault causing bodily harm. Roy Luyendyk also faces two counts of possessing weapons intended for assault.

The Luyendyks, describe "strong Christian couple" cared for more than 250 fo since 1961, are charged children in their car 1982 at the Cremo tian Children's

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"I saw Scott with the binder twi around his neck, running down hill . . . with a silly grin," sa who came to the Luyendyk lombia, South America

The teenager, no his parents in C type of punis to a femal

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Foster dad gets 18 months

April 30/84

By B.J. DEL CONTE
Sun Staff Writer

A man who won't admit the damage he did by ually abusing his learning disabled foster son nother boy over 40 times was sentenced to

he them wi More tha the Alberta go

shortly after the boy, then 11, moved in with the man and his wife in November, 1982.

The man indulged in and fellatio up to 50 times between then and September, 1984, when the boy told a guidance counsellor what was happening.

The boy never had father figure and didn't know what pect from such a tal relationsh LeMere.

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18 W.

Chi assault

CALGARY (CP) — A tired-looking Roy Luyendyk flatly denied the evidence of several witnesses against him yesterday and said he did not commit violent acts of assault against children as they have alleged.

The powerfully built dairy farmer, a deeply committed Christian, said the last six days of testimony in Court of Queen's Bench suggests "all I ever do is spank children."

"That's hogwash."

Luyendyk, 52, and his wife Jean, 53, are charged with 10 counts of assault causing bodily harm. Roy also faces two counts of possessing weapons intended for assault.

The charges stem from alleged dents at the Luyendyks' Cremon leyview Christian Children's H kilometres northwest of Cal

'Distasteful th

The institution, which cial support from groups, including Canada, is not the Alberta go

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12 Winnipeg Free Press, Thursday, September 13, 1984 ★★

Residents, staff detail abu at Ontario children's hon

KEARNS, Ont. (CP) — A 15-year-old boy who says he was forced to wear a rubber rain suit with just his underwear underneath for nine days is among residents and staff members complaining of abuse and deplorable living conditions at a home for emotionally disturbed children.

Billy, not his real name, says he has been emotionally scarred by his 17 months at the New Horizons Boys' Home

with the overall cause and effect of the complaints as well as ways to prevent problems.

Billy, a Thunder Bay native, says he was forced to wear the rubber suit from morning until night last December as punishment for running away from the facility a week earlier. He says he developed serious skin rashes as a result. Anna Laronde, a former staff member at the home confirmed

police detachment said ye are continuing to inves alleged assault on a resi dents."

The home is one of thre operated by John Rutte about 80 kilometres sout has been overseeing t while manager Bob Ke vacation and says he aware of the situation relevant, if not more relevant, a topic for assessment.

Certainly the placing agencies have a legitimate concern with the general health of all family members in the prospective home. Identification of the source and amount of income is pertinent, but not as pertinent as the family's capacity in managing available financial resources. Agencies certainly have the responsibility to assess the family's attitude towards children, to each other, and to their extended family members and community.

Lacking in the current guidelines is any suggestion of a discussion of the family's attitude toward the possibility of adopting or fostering a sibling group. The language of the guidelines is consistent with the practises. The focus has been on individual children with insufficient attention devoted to trying to keep sibling groups together.

RECOMMENDATION 86. **THE CHAIRMAN RECOMMENDS THAT SIBLING GROUPS NOT BE SEPARATED FOR PURPOSES OF ADOPTION. PLACEMENT OF SIBLING GROUPS WITH A PERMANENT FOSTER FAMILY OR WITH**

EMPLOYED HOUSE PARENTS IS FREQUENTLY PREFERABLE TO SEPARATION.

The current guidelines are silent on the topic of single parent adoption applicants. Agencies should be given some direction on how such applicants should be assessed.

RECOMMENDATION 87. **THE CHAIRMAN RECOMMENDS THAT THE NEW GUIDELINES CONTAIN DISCUSSION OF THE ASSESSMENT OF APPLICATIONS FROM SINGLE APPLICANTS.**

The current guidelines suggest identification of the foster or adoptive family's cultural background, but nothing more. This is an area which will require substantial expansion in new guidelines. Even in families which have the same cultural background as the child to be placed with them, it is important that there be conscious awareness of the need to develop and enhance the child's sense of cultural identity.

RECOMMENDATION 88. **THE CHAIRMAN RECOMMENDS THAT NO CHILD BE PLACED FOR ADOPTION IN A FAMILY WHOSE ETHNIC/CULTURAL BACKGROUND IS DIFFERENT THAN ITS OWN UNTIL EVERY POSSIBLE EFFORT**

HAS BEEN MADE TO FIND A HOME THAT IS ETHNICALLY/CULTURALLY COMPATIBLE WITH THE BACKGROUND OF THE CHILD.

For the few situations in which there might be a cultural difference between foster or adoptive family and the child, a much more extensive and intensive discussion of culture is required. The attitude of the immediate family members towards members of minority groups needs to be explored to eliminate the possibility of a child being placed in an ego destroying environment. The attitudes of members of the extended family, of school personnel, and of the neighbours need to be taken into account. A family must prepare to help a child cope with prejudice, and to form links with the appropriate cultural group to enable the child to build pride and a sense of historical continuity.

RECOMMENDATION 89. **THE CHAIRMAN RECOMMENDS THAT PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES BE ASSESSED IN RELATION TO THEIR ABILITY TO APPRECIATE AND ENHANCE A CHILD'S SENSE OF IDENTITY WITH ITS OWN ETHNIC/CULTURAL**

BACKGROUND.

The current guidelines suggest exploration of a foster family's ability to relate to the placing agency. It is suggested that this is an equally valid point to be explored with adoptive families. The time of a legal adoption terminating the responsibility of an agency to adopting families has ended.

There is evidence that a child's need to know, or at least know about, natural parents is a normal, healthy search for identity, and agencies must be prepared to assist adoptive parents deal constructively with this inevitable situation. Adoptive parents, with the agency's assistance, need to consider how they will respond to a child's request to find birth parents.

RECOMMENDATION 90. **THE CHAIRMAN RECOMMENDS THAT THE PROCESS OF ASSESSMENT OF ADOPTION APPLICANTS INCLUDE DISCUSSION OF HOW A CHILD'S SEARCH FOR PERSONAL IDENTITY WILL BE HANDLED, AND THAT PLACING AGENCIES BE AVAILABLE TO ASSIST ADOPTIVE PARENTS WHEN THIS SITUATION ARISES.**

Manitoba has had a post adoption registry since 1980. This registry permits an exchange of information and the facilitating of personal contact between natural parents, adoptive parents, and adult adoptees. For any action to be taken, all parties must be registered. This is a "passive" registry.

The current legislation provides:

> *92 (2) The director shall establish a registry and maintain the registry as specified in the regulation for the purpose of*
>
> *(a) recording information volunteered by natural parents, adoptive parents and adult adoptees;*
>
> *(b) conveying the information so received subject to subsection 94 (3), to the natural parents, adoptive parents, or adult adoptees, as the case may be where they voluntarily register with the registry and advise the director of their willingness to receive or obtain the information;*
>
> *(c) registering the wishes of natural parents, adoptive parents and adult adoptees as to whether or not they desire to be known to one another and to have personal contact with one another or remain anonymous;*
>
> *(d) facilitating personal contact subject to subsection 94 (3) between natural parents, adoptive parents and adult adoptees where they have voluntarily registered their wishes to that effect and have received appropriate preparation through counselling when required.*

The argument is made, particularly by members of the Native community, that the present legislation is not sufficient to ensure that adoptees can reestablish contact with their own families and communities. Evidence is accumulating that the placement of Native children in non-Native adoption homes was seldom successful. A psychiatrist for an agency in Pennsylvania, which placed a substantial number of Manitoba children, is reported to have stated that 90% of those Native children are in receipt of psychiatric treatment because of adjustment problems.

In July, 1984, a letter was sent to child welfare authorities in every state in the United States by the Child Welfare Directorate. That letter provided information about the newly formed Indian agencies and the Metis organizations which can now develop placement resources for children in Native communities. The American agencies were asked to consider repatriation as a possible option in planning for a child of Native descent originally from Manitoba. Assistance was offered to expedite this process.

As of April, 1985, the Directorate office was aware of 64 children and young adults who had problems of various levels of intensity in relation to their adoption placement and were considering either repatriation or establishing contact with their home community. Fifty-eight of these individuals had been placed in the United States. The remaining 6 were placed in other provinces in Canada. Repatriation had been completed in 23 cases and was anticipated in another 15 cases.

RECOMMENDATION 91. **THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A REQUEST FROM AN ADULT ADOPTEE FOR INFORMATION ABOUT, OR CONTACT, WITH BIRTH PARENTS, AN ACTIVE ROLE BE TAKEN BY THE POST ADOPTION REGISTRY STAFF IN LOCATING PARENTS, AND, IF CONSENTING, EXPEDITING CONTACT.**

RECOMMENDATION 92. **THE CHAIRMAN RECOMMENDS THAT STAFF RESOURCES CONTINUE TO BE AVAILABLE TO COORDINATE AND EXPEDITE THE REPATRIATION OF NATIVE CHILDREN WHO WERE PLACED OUT OF PROVINCE IN THE PAST.**

It is not entirely clear just how decisions are made as to which children will be placed for adoption and which will be provided for as foster children.

Certainly a prerequisite for adoption is that the child is legally free to be adopted. Of the 2,720 children reported to be in care on December 31, 1985, 1,036 were permanent wards. These children would range in age from newborns to 17 years.

It seems that infants under the age of two are automatically identified as available for adoption. Beyond the age of two, decisions appear to be arbitrary. Such decisions determine a child's total life and must never be left to a single individual. Child care agency staff are often young, inexperienced, and lacking in practical knowledge of parenting. Wisdom must be brought to bear.

RECOMMENDATON 93. **THE CHAIRMAN RECOMMENDS THAT THE DEVELOPMENT OF A PLAN FOR EACH INDIVIDUAL CHILD WHO IS A PERMANENT WARD OF AN AGENCY BE DONE BY ALL SENIOR PROGRAM STAFF WITH THE FULL PARTICIPATION OF THE STAFF MEMBER DIRECTLY RESPONSIBLE FOR THE CHILD.**

Agencies proclaim that "adoption is the placement of choice". We have seen where that philosophy can lead. In the belief that adoption was best, apparently at any age, and that race, creed, or colour should not be a barrier to a child having a family of its own, Native children have been shipped throughout the continent with sometimes disastrous results.

The case of Cameron Kerley has received considerable attention from the press and from national television shows both in Canada and in the United States.

According to the newspaper stories, Cameron was born on the Sioux Valley Reserve. When he was 8 years of age, he witnessed his father being beaten to death. Cameron and three sisters were apprehended by the Children's Aid Society and placed in foster homes. His mother died as a result of heavy drinking two years after the children had been removed from her care.

When Cameron was 11 years of age, he was placed in the home of Dick Kerley, a bachelor who had previously adopted another Indian boy, in Wichita, Kansas. It was not long before Cameron began to display social problems according to those who knew him. He skipped school, was running away and at one point is thought to have tried to walk back to Canada. He was soon drinking and using drugs and was found guilty of burglary and theft.

When Cameron was 19 years of age, he murdered his adopted father with a baseball bat. Cameron pleaded guilty to second degree murder and was sentenced to 15 years-to-life.

Only after he was sentenced did Cameron allege that he had been subject to sexual abuse by his adoptive father since shortly after he had been placed.

On January 22, 1985, an appeal for a reduction in his sentence was heard before the Kansas Supreme Court and denied.

At Cameron's request, and with the consent of the Canadian government, Cameron returned to Manitoba in May, 1985, to serve his sentence.

The above is clearly a dramatic story of an adoption placement that failed. It would be reassuring if it could be added that this is an exception - it is not. There are many failed adoptions, and further research will reveal that the child care system has not done well in the field of adoption placement.

Foster home placement history has not been so successful either. A recent study, which was conducted in Toronto by Ross Dawson, of cases in which children had been subject to abuse in foster homes, produced the following findings:

- over half of the foster parents had four or more years of fostering experience,
- the largest number of perpetrators were the foster fathers,
- all incidents of sexual abuse involved foster fathers,
- two-thirds of all physical abuse incidents involved the foster mother,
- the highest incidence of abuse occurred for the child in their first placement,
- 60% of the abused children were not abused in their own families,
- 60% of the children abused in foster care had an identified special need, but only 2 children were in foster homes designated as competent to provide specialized foster care, and finally

- it was concluded that abuse of children while in foster care is more extensive than has been hitherto imagined, BUT
- it was strongly emphasized that abuse does not occur in the vast majority of foster homes.

The study also revealed that some placing agencies had no training available for foster parents and where it was available foster parents, especially foster fathers, participated to only a limited extent. Further, it was found that worker contact with the foster parents, and again especially the foster fathers, was infrequent.

RECOMMENDATION 94. **THE CHAIRMAN RECOMMENDS THAT THE FOSTER HOME PROGRAM OF MANITOBA BE EVALUATED TO ENSURE THAT APPLICANTS ARE SCREENED PRIOR TO THE PLACEMENT OF A CHILD, THAT TRAINING IS AVAILABLE FOR FOSTER PARENTS AND PARTICIPATION REQUIRED, AND THAT FOSTER HOME PLACEMENTS ARE MONITORED ON A FREQUENT BASIS BY THE CHILD CARE AGENCY.**

It is recognized that many foster homes are foster homes in name only. The placement is permanent. The parents and the foster children have formed firm familial relationships.

Adoption would occur if the foster family could afford to support the child. Subsidized adoption would make it possible for such families to adopt.

Subsidized adoption has been found to be a cost effective program. A study by George Seelig reported in the fall, 1983, edition of Permanency Reports indicated that, on the average, the cost of subsidized adoption was 37% less than the cost of continuing a child in foster care.

An article by Kathleen Proch on "Differences Between Foster Care and Adoption" revealed that while adopting and fostering have been seen by professionals as different and distinct services, such differences were not perceived by the families involved. It was found that the motivation of foster parents in taking a child into their home was essentially the same as that of adoptive parents - they wanted to add a child to their family. The concept of legal rights, which formal adoption would provide, seemed to have little significance to the foster families.

This study would suggest that legal security between surrogate parent and child may be a need that has only been assumed to exist. The formation of a relationship appeared to be independent of the legal status of the child.

RECOMMENDATION 95. **THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF ADOPTION AND FOSTER HOMES IN AN ATTEMPT TO IDENTIFY THE ELEMENTS WHICH MAKE IT POSSIBLE FOR CHILDREN AND SURROGATE PARENTS TO FORM A POSITIVE RELATIONSHIP.**

There must be mechanisms established to ensure that the situation of each child in the care of agencies is reviewed on a regular basis by the individual worker, supervisor, and senior program staff. Where changes in the plan for a child are indicated, the reasons for such changes should be identified on the child's file. The accumulation of such information will provide researchers with the data necessary to begin to formulate theories about what forms of service are most likely to be successful with what kinds of children.

The Child Protector's office will also monitor children in foster homes to ensure that the rights of the child are protected and to identify which cases must be brought before the court for review.

Group homes provide another placement option for children in care. Group homes are viewed as appropriate for teenage wards and for children not able to adjust to a family setting. Just as with adoption and foster homes, there has been a lack of study of the effect of the group home experience. There is no documentation to indicate what kinds of children best benefit from a group home experience, or to point the direction for changes in the program for improved success rates.

RECOMMENDATION 96. **THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF GROUP HOMES IN AN ATTEMPT TO IDENTIFY THE TYPES OF CHILDREN WHO BEST BENEFIT FROM A GROUP HOME PLACEMENT.**

The group home situation in the province was examined in some detail in the course of this review. It was found that group homes were evaluated regularly to ensure that they met the safety and adequacy requirements for purposes of license renewal. There was, however, no system in place for evaluating the programs of the group home.

RECOMMENDATION 97. **THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF GROUP HOMES BE CONDUCTED ON A REGULAR BASIS, AND AT LEAST ONCE A YEAR, AND THAT LICENSES BE WITHHELD FROM ANY HOME WHICH DOES NOT MEET ESTABLISHED EXPECTATIONS FOR THE CARE OF CHILDREN.**

It did appear that the group homes were simply one phase of a service continuum. In other words, rather than being a specialized form of care for a defined group of children, group homes seemed a stop-gap residential setting for children in conflict with their foster parents and not quite ready for the higher level of supervision of the institutions.

It was of concern that the agency child welfare workers, who held the legal responsibility for the supervision of a specific child, seemed to withdraw when a child was placed in a group home. Some group homes made the active involvement of the agency worker a condition of acceptance, but not all group homes insisted on such regular contact to the detriment, it is felt, of the child.

It was an unsettling conclusion to reach but it was felt that group homes had been used by agencies, not for the benefit of the children, but to ease the administrative and supervisory responsibilities of the staff. As long as group homes are available, children might be slotted into this form of care just because the homes exist.

An example of the misuse of group homes was the fact that in early 1983 there were 240 children under the age of 12 placed in group homes. This was occurring while representatives of child care agencies publicly proclaimed that only under very special circumstances should a child under 12 years of age ever be placed in a group setting. When public policy demanded this situation be corrected, the agencies were able to immediately reduce the number of children under 12 in group homes to 75, and by 1985 that figure was down to 20. Each of those 20 children is reported to have specific problems which make the placement in a specialized group home appropriate.

While the Group Home Report did call for a reduction in the number of group homes, there are certain exceptions. Because Reserves and Metis communities have not been involved in child welfare services in the past, foster and adoption resources could well be temporarily insufficient to meet the needs of all the children who need care. Teenagers could be provided for in group home settings on the Reserve or in Metis communities where they can remain close to, and in regular contact with, family and relatives. As the need for such group homes will be short-term, consideration should be given to constructing facilities which can be easily converted for other purposes. It is possible that house trailers could be moved to even the remotest community for use as a group home and such buildings moved to another community as the demands change.

RECOMMENDATION 98. THE CHAIRMAN RECOMMENDS THAT RESOURCES

BE MADE AVAILABLE FOR THE PROVISION OF FACILITIES FOR GROUP HOMES ON RESERVES AND IN METIS COMMUNITIES, AS APPROPRIATE, FOR THE CARE OF TEENAGE CHILDREN IN NEED OF SUCH A RESIDENTIAL SETTING.

A need has also been identified for a group home for children brought into Winnipeg from remote areas who presently must be housed in the Manitoba Youth Centre pending disposition of their court cases. Such a setting can have a negative influence on a young child.

RECOMMENDATION 99. **THE CHAIRMAN RECOMMENDS THAT APPROPRIATE GROUP HOMES BE ESTABLISHED TO PROVIDE CARE FOR CHILDREN FROM REMOTE AREAS WHO MUST REMAIN IN WINNIPEG PENDING DISPOSITION OF THEIR CASES UNDER THE YOUNG OFFENDERS ACT.**

The study of group homes revealed that homes managed by profit and non-profit organizations were better operated than those operated by agencies. It is suggested that, except for emergency facilities, for overnight care, agencies might better leave the operation of group homes to others.

If police checks are suggested for foster and adoptive parents, such checks are even more important for staff of group homes.

RECOMMENDATION 100. **THE CHAIRMAN RECOMMENDS THAT THE NAMES OF ALL APPLICANTS FOR POSITIONS IN GROUP HOMES AND CHILD CARE INSTITUTIONS BE CHECKED WITH THE POLICE TO ENSURE NO CRIMINAL RECORD EXISTS WHICH WOULD INDICATE THAT EMPLOYMENT OF AN INDIVIDUAL MIGHT PLACE CHILDREN IN JEOPARDY.**

With regard to staff, there were a number of issues of concern. There was noted that no regular training program was available for group home staff, nor opportunities for staff to improve their skills so that they might assume greater responsibilities. This must be implemented to build staff continuity in the group home system.

RECOMMENDATION 101. **THE CHAIRMAN RECOMMENDS THAT A STRUCTURED TRAINING PROGRAM BE AVAILABLE FOR STAFF OF GROUP HOMES TO PERMIT IMPROVEMENT OF SKILLS AND ABILITY TO ASSUME HIGHER LEVELS OF RESPONSIBILITY.**

At the time of the group home study, it was estimated that about 40% of the residents were of Native descent. Except for those homes specifically established to serve Native children, group homes gave insufficient attention to enhancing the cultural identity of children. Few Native workers were employed. Little attention was given to linking children with individuals or groups of their own ethnic group. No special activities or programs were offered to enhance the development of positive self-image for Native children. A similar lack of sensitivity was evident with children of other ethnic/cultural backgrounds.

RECOMMENDATION 102. **THE CHAIRMAN RECOMMENDS THAT GROUP HOMES AND CHILD CARE INSTITUTIONS DIRECT ATTENTION TO ASSISTING CHILDREN DEVELOP PRIDE IN THEIR CULTURAL HERITAGE THROUGH EMPLOYMENT OF STAFF OF SIMILAR BACKGROUND AS THE CHILDREN, PROVISION OF SPECIAL PROGRAMS AND ACTIVITIES, AND THE ESTABLISHMENT OF CONTACT WITH INDIVIDUALS AND ORGANIZATIONS WHO CAN ASSIST IN THIS PROCESS.**

While agencies can admit children to group homes with only the consent of the home itself, admission to higher levels of care and institutions are processed through a Screening and Monitoring Committee of the Child Welfare Directorate. Concern for the child is the major element in this process to be sure, but cost control is a significant consideration.

The Screening and Monitoring Committee consists of representatives of Level IV group homes and institutions. All requests for admission to such facilities are subject to the approval of the Committee. While the Committee cannot require a facility to admit a specific child, negotiation can often overcome any hesitation a facility may have.

The capacity of Level IV facilities in 1984 was 148. The Screening and Monitoring Committee in fiscal year 1984/85 received 148 referrals of which 114 (77%) were approved for admission and, of these, 89 were actually admitted.

As with other segments of the child care system, the statistics which are available are not particularly helpful in assessing the effectiveness of the programs offered by Level IV facilities or for planning for the future. It is reported that the children admitted to this level of care have already been so severely damaged that an evaluation may not provide a valid picture of program effectiveness.

The Chairman has received information that there is a shortage of Level IV spaces for children who have been identified as requiring that level of care. It is believed that this is a temporary situation, but, nevertheless, it is imperative that children receive the care that has been deemed to be essential for their well-being.

RECOMMENDATION 103. **THE CHAIRMAN RECOMMENDS THAT ADDITIONAL LEVEL IV SPACES BE ESTABLISHED AS A TEMPORARY MEASURE PENDING FURTHER EVALUATION.**

RECOMMENDATION 104. **THE CHAIRMAN RECOMMMENDS THAT THERE BE RESEARCH CONDUCTED ON THE HISTORY OF THE CHILDREN RESIDENT IN LEVEL IV FACILITIES**

TO DETERMINE WHAT ALTERNATE FORMS OF CARE AVAILABLE AT SPECIFIC PERIODS OF THE CHILDREN'S LIVES MIGHT HAVE PREVENTED THE DEVELOPMENT OF BEHAVIOUR PATTERNS WHICH LED TO THE ADMISSION TO THE FACILITY.

The traditional forms of care, therefore, are adoption homes, foster homes, group homes, and institutions when it is necessary to remove a child from its own family.

There can be different forms of care and the Director of Child Welfare has funds designated to be used for special arrangements. The agencies feel confident that in many instances more appropriate forms of care can be provided at lower cost and creative ideas might well become new patterns for meeting the needs of children.

RECOMMENDATION 105. **THE CHAIRMAN RECOMMENDS THAT THERE BE A STUDY OF CASES APPROVED BY THE DIRECTOR OF CHILD WELFARE FOR SPECIAL FUNDING OVER THE PAST FEW YEARS TO IDENTIFY WHETHER THERE ARE ANY PATTERNS WHICH MIGHT BE GENERALLY APPLIED TO BETTER**

PROVIDE FOR CHILDREN.

The major emphasis of the child care system must be on providing the services necessary to permit children to live safely and securely in their own homes. Homemaker service and parent aides are the major forms of in-home service currently available. Indian agencies have reported success in using homemakers to provide care in the home to permit respite to parents in times of stress.

RECOMMENDATION 106. **THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES EXPAND THEIR USE OF HOMEMAKERS TO PROVIDE RESPITE FOR PARENTS AT TIMES OF STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.**

Another form of respite care for parents is available and appears to be underused. Under the legislation governing the day care program, subsidies can be provided for children admitted to day care for "special social needs".

DAY CARE PROGRAM
as of March, 1985

Licensed Day Care Spaces -	9,318
Number of Subsidized Children -	4,712
Children Admitted (and subsidized) on the basis of "Special Social Needs" -	609

RECOMMENDATION 107. **THE CHAIRMAN RECOMMENDS THAT THE CHILD WELFARE SYSTEM INCREASE ITS AWARENESS AND USE OF THE DAY CARE PROGRAM AS A FORM OF RESPITE FOR PARENTS IN TIMES OF STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.**

There can be no doubt that the theory postulated by the National Welfare Council is correct - that is, that there is a direct relationship between poverty, and the stress caused by poverty, and the child welfare system. Available information would indicate that more and more families will be vulnerable to intervention by child welfare authorities.

An analysis of 1983 Statistics Canada information done by the National Welfare Council reveals that 1,131,000 children under 16 years of age reside in families that are poor - one out of every 5 Canadian children. However, in families headed by women, 50% of the children live in poverty. Statistics in the United States are similar - in 1983, 22.2 children per 100 lived in poverty, and 3 out of 4 children of unmarried mothers were poor.

What some writers have called the "feminization of poverty" is due to the lower earning power of women and dependence on financial assistance programs. This trend seems likely to continue.

The divorce rate continues to be high with the responsibility of raising children of the marriages most frequently remaining with the women. While nationally the fertility rate for teenagers is down slightly, in 1983 there were 25,604 children born to mothers 19 years of age and younger - many of those mothers are single and an increasing number of these young single mothers are keeping their babies rather than placing them for adoption. A new phenomena is the increased fertility rate for women 35 to 44. many of whom are single and purposefully choosing to be mothers.

For persons raising children alone, the stress can become intolerable - loneliness, insufficient financial resources, the multiple demands of job and children. Such situations inevitably lead to the potential neglect or abuse of children.

New ways of supporting families must be developed. The community cannot continue to meet twentieth century situations with eighteenth century techniques. In an age of enlightenment, the children need special attention.

CHAPTER VIII

HOW CHILDREN LEAVE THE SYSTEM

> *I became a ward of the Children's Aid when I was 7 years old. During the following 11 years I lived in 5 foster and group homes. It wasn't until I was 18 years old and went back to my community that I found out I had a brother and 3 sisters. I didn't know until I was 19, that my mother had died when I was 2 weeks old.*
>
> *Bryan Smith,*
> *Manitoba Child Welfare*
> *Conference,*
> *May 2, 1985*

Once more it is necessary to lament the lack of adequate statistical data. The available information provides only a general indication of how children leave the child welfare system. The largest proportion of children are reported to be returned to their parents upon discharge but there is no way to determine whether these children were returned after an apprehension of 1 to 4 days, whether an order of temporary guardianship terminated, or whether the children were returned to their parents by order of the court.

CASE MOVEMENT OF CHILDREN
UNDER DIRECT SUPERVISION
March, 1984

TOTAL CASES AT END OF MONTH			2,879
TOTAL DISCHARGES DURING MONTH -		253*	
RETURNED TO PARENTS -	180)	238*	
ORDER OF ADOPTION -	25)		
AGE OF MAJORITY -	33)		
TOTAL OUTGO DURING MONTH - (Discharges and Transfers to other Agencies)		303*	

*Discrepancy in numbers appears in data source due to differences in tabulation methods between agencies and basic arithmetic errors.

This data indicates that 76% of the children discharged were returned to their parents, 11% were discharged when adoptions were finalized, and 14% were discharged on the basis of their having reached the age of majority.

Little else can be gleaned from these statistics. It can not be determined how long the children have been in care. There is no way of determining what forms of care have been provided to these children or how many forms of care the child experienced. More importantly, there is no way to evaluate the impact that the system has had on the child or on the family.

Research techniques have improved vastly in the last few years. A sampling of the population can predict how the country, province, or city will vote in the next election. A quickly conducted door-to-door survey will conclude whether a soap will sell better if packaged in a brown, blue, or orange box. Such survey techniques have not been used for social services and yet they might reveal more than traditional research methods. So little is known in the child welfare field that new approaches must be tried.

RECOMMENDATION 108. **THE CHAIRMAN RECOMMENDS THAT A SURVEY BE CONDUCTED BY A QUALIFIED RESEARCH FIRM TO DETERMINE WHAT PERCENTAGE OF THE MANITOBA POPULATION HAS EVER BEEN IN THE CARE OF THE CHILD WELFARE SYSTEM, WHAT THEIR EXPERIENCES HAVE BEEN, WHAT IMPACT THEY PERCEIVE THE SYSTEM TO HAVE HAD ON THEIR LIVES, AND WHAT CHANGES**

THEY WOULD SUGGEST TAKE PLACE.

Feedback on program effectiveness has never been an integral part of the child welfare system. What feedback there has been was selective - for example, adoptive parents sending photos of their children to the adoption worker.

It is only recently that notice has been taken of the number of children that return to the care of agencies after having been placed for adoption. Through self-help groups, it has become evident that many children placed for adoption did not lose their need to know of, and to know, their birth parents. The failures of the child welfare system have been made known many years after the fact in the statistics from correctional institutions, psychiatric hospitals, and as former wards of agencies became neglectful and abusive parents themselves. Ways must be found to routinely get the reaction of clients to the service they have received and their suggestions for improving service.

In the letters which the Chairman received from the adoptive parents of Treaty Indian children and the adoptees themselves, valid and valuable ideas were offered for the improvement of services. Among the suggestions were:

- *Adoptive parents should be provided with full and accurate information about a child's natural family and community and about its own life experience prior to the adoption placement.*
- *Siblings should never be separated. If such separation has occurred, contact should not only be encouraged but should be required.*
- *No child should be the only adopted child in a family, nor should a child be the only one of its racial group in the local community or school.*
- *When a child is placed when older, contact with the natural family should be required for adopted children as well as for foster children.*
- *Support groups are helpful for adoptive parents and for the contacts these make possible for the children. Workshops, resource persons, and identification of resource materials are possible through such groups.*
- *Agency support is essential and should be strengthened during the time immediately following placement and intensified when the child reaches the pre-teens.*
- *Information on cultural patterns should be provided through the public school system. Native cultural centres should be established with appropriate activities for children including summer camping programs.*

RECOMMENDATION 109. **THE CHAIRMAN RECOMMENDS THAT THERE BE ROUTINE FOLLOW-UP OF CLIENTS OF CHILD CARE AGENCIES TO SECURE THE INFORMATION NECESSARY TO EVALUATE THE IMPACT OF THE**

SERVICE THAT WAS GIVEN AND TO PROVIDE THE OPPORTUNITY TO RECEIVE SUGGESTIONS FOR THE IMPROVEMENT OF SERVICES.

CHAPTER IX

THE FUTURE

> *The Seventh Fire tells of the emergence of a new people, a people that would retrace their steps to find what they left by the trail. The water drum would once again sound its voice. There would be a rebirth of the Ojibway nation and a rekindling of old flames. At this time the light skinned race would be given a choice. If they would choose the right road, then the Seventh Fire would light the Eighth and final fire -- an eternal fire of peace, love and brotherhood.*
>
> *As told by*
> *Lawrence Henry*
> *of the Roseau Reserve,*
> *November 25, 1982*

It was a self-evident fact that the child welfare system had problems before 1982. It seems, however, that those in authority perceived only occasional public manifestations of the problems and did not fully appreciate the extent of the malaise that inflicted the system. Is it naivety to state that if the scope of the problem had been understood, something would have been done about it long ago or at least a constructive start could have been made?

The Native people of the province had been struggling for their independence ever since the treaties covering Manitoba bands were signed (1871 through 1907). The Indian people still maintain that the written treaties did not accurately reflect the verbal agreements that had been negotiated. The Indian people did not believe that they would lose their freedom as well as their lands. The Indian people did not believe that someday they would also lose their children, a loss that this report has accurately called cultural genocide.

In 1982, no one, except the Indian and the Metis people, really believed the reality - that Native children were routinely being shipped to adoption homes in the United States and to other provinces in Canada. Every social worker, every administrator, and every agency or region viewed the situation from a narrow perspective and saw each individual case as an exception, as a case involving extenuating circumstances. No one fully comprehended that 25% of all children placed for adoption were placed outside of Manitoba. No one fully comprehended that virtually all those children were of Native descent. No one comprehended that Manitoba stood alone amongst all provinces in this abysmal practice.

The year 1982 was a crisis year for the child welfare system in Manitoba. The existing procedures were inadequate and unworkable - the situation was ripe for change. Lack of accountability was a cornerstone of the system. Children who entered the system were generally lost to family and community - or were returned with there having been little input to change the situation from which they were taken in the first place.

What finally surfaced in 1982 was the expression of a lack of confidence by the public in a structure that had lost touch with the very people it was supposed to serve. New cultures and changing ethnic backgrounds of the clientele had been virtually ignored by the professionals in the field. The reasons given for this situation were implausible and not really worthy of consideration.

Once public attention focussed, and political will has followed by authority to investigate, the situation was revealed to be worse than had been anticipated. Every facet of the system examined by the Commission revealed evidence of a program rooted in antiquity and resistant to change.

An abysmal lack of sensitivity to children and families was revealed. Families approached agencies for help and found that what was described as being in the child's "best interest" resulted in their families being torn asunder and siblings separated. Social workers grappled with cultural patterns far different than their own with no preparation and no opportunities to gain understanding. It was expected that workers would get their training in the field. The agencies complained of a lack of adequate resources and central directorate staff complained of a lack of imaginative planning for children by agencies. The agencies didn't ask for help - the central child welfare directorate did not offer it. Communication between line staff and administrator was sometimes non-existent or negative.

The end result on staff was to be expected. Feeling overburdened by large caseloads - or at least what was perceived to be large caseloads - staff experienced burnout. Staff morale evidenced itself as low. Staff seemed insecure and, at times, immobilized. Some staff persons did not provide information for the study with any degree of willingness demonstrating an almost paranoid fear that any change would have a marked effect on their job security.

As things were in 1982, there seemed little possibility that the system would, or even could, change. The funding mechanisms perpetuated existing service patterns and stifled, even prevented, innovative approaches. There was little statistical data, and what there was was next to useless for program planning purposes. There was no follow-up on adoptions and thus no way to gather the data upon which any kind of evaluation of the adoption program could be based.

It would be reassuring if blame could be laid to any single part of the system. The appalling reality is that everyone involved believed they were doing their best and stood firm in their belief that the system was working well. Some administrators took the ostrich approach to child welfare problems - they just did not exist. The miracle is that there were not more children lost in this system run by so many well-intentioned people. The road to hell was paved with good intentions, and the child welfare system was the paving contractor.

Some progress and some positive change has occurred since the onset of the study. Most dramatic was the decision of the provincial government to close the Children's Aid Society of Winnipeg and reorganize the delivery of child care services by the formation of six community-based agencies with the obvious intent to make service more sensitive to the cultural patterns of neighbourhoods and with full participation of the residents of the communities by having these residents sit on the various boards as directors.

There has also been introduced to the legislature a progressive and innovative Child and Family Services Act to replace the existing Child Welfare Act. This new legislation appears to answer a number of weaknesses that were identified in this study.

The new Act contains a declaration of principles which will underlie all services and programs regardless of location or auspices.

The new Act would also include provision that, in the determination of a child's "best interests", the child's cultural and linguistic heritage be considered. Also to be enshrined in the legislation is the ban on out-of-province adoption placements. A child could only be placed out of Canada with the approval of the Lieutenant Governor in Council.

The legislation would require greater involvement of citizens in child welfare programming. There appears to be greater protection of the rights of families and children and a firm commitment to the philosophy of providing services to children in their own homes to prevent the necessity of children being separated from their families. The new Act would also move to a preventive approach related to child abuse and would broaden the function of the post adoption registry.

There have been certain administrative changes that have occurred as a result of the problems identified in this study.

Staff resources have been added to the office of the Director of Child Welfare. Program evaluations of group facilities have been initiated. There is now routine administrative review of all cases of children in the care of agencies for an extended period of time. Assistance has been provided to agencies to expedite the possible repatriation of children to Manitoba. The funding formula has undergone some modest changes to release funds to be used by agencies at their own discretion to provide for children in non-traditional ways. An annual conference for staff of all child welfare services provides a forum for the exchange of information and ideas. A system-wide newsletter is now distributed which can grow to fill the information vacuum that exists. And finally, a computer data system is being developed which, when in place, will begin to provide the data necessary for ensuring the system and the services be relevant to the people served.

These legislative and administrative changes, as positive as they might be, are only a start. Much remains to be done.

The system must never be allowed to atrophy again. Policies and structures must be put in place to make and keep child welfare services flexible, responsive, and culturally relevant.

Multiculturalism is not a passing phenomena. Cultural and racial diversity are a reality within Canadian society and patterns of immigration suggest that this will continue. In addition to the mores of new citizen groups which must be understood and accommodated, there appears to be a move to the reassertion of cultural traditions by people of every ethnic, racial, and religious background. The emphasis on cultural differences seems to enable citizens to perceive themselves as unique and valuable individuals within the general context of Canadian society. All parties in the child welfare system must become culture sensitive.

Essential to a responsible child welfare system is the appointment of the Child Protector as suggested in this report. Such a function will guarantee integrity, protection of rights, and prompt response to inequities. The entire child welfare system must be held accountable and a Child Protector offers the best guarantee that this will occur.

The struggle of the Indian people for sovereignty and independence as a distinct people must be recognized in other areas as it has been acknowledged in the child welfare field. The Indian culture will not disappear or be subjugated.

The child welfare system has improved, and will continue to improve, because of the efforts of the Indian people. We will not return to 1982.

That is all I have to say......for now.

APPENDIX

REVIEW COMMITTEE ON INDIAN AND METIS ADOPTIONS AND PLACEMENTS

CHAIRMAN: Associate Chief Judge Edwin C. Kimelman

ASSISTANT TO CHAIRMAN: Norma P. Dietz
SECRETARY: Joanne Prefontaine

MEMBERS AND ALTERNATES OF THE ADVISORY COMMITTEE:

Children's Aid Society of Western Manitoba
    Bruce Fraser

Dakota Ojibway Child & Family Services
    Tim Maloney
    Sue Johannesson
    Chief Ernie Smoke

Child and Family Support Directorate, Province of Manitoba
    Ken Maskiw
    Helen Fearn
    Esther Seidl

Indian and Northern Affairs Canada
    John Zyzniewski
    Joe Sanderson

Manitoba Keewatinowi Okemakanac Inc.
    Chief Russell Tobacco
    Theresa Wakeham
    John James Easter
    Maria Flett
    Oscar Lathlin

Four Nations Confederacy
    Esther Seidl
    Chief Larry Starr
    Sharon Taylor-Henley

Children's Aid Society of Winnipeg
    Betty Schwartz
    Chris Buchel

Manitoba Metis Federation
Janet Goertzen
Linda Clarkson
Stella Alix
Evelynn Allen

COMMITTEE COUNSEL: Victor Toews

COURT REPORTERS: Gertie Barron
Patricia Burkhart

The Review Committee was appointed by, and functioned with, the authority of the Minister of Community Services, Province of Manitoba. The services of the Chairman's Assistant were provided by the Planning and Research Branch. Committee expenses and the salary of the Secretary were paid by the Child and Family Support Directorate. The Attorney General's Department provided the services of the Committee Counsel and the Court Reporters.

EXCERPTS FROM REPORTS OF THE REVIEW COMMITTEE ON INDIAN AND METIS ADOPTIONS AND PLACEMENTS

SUBSIDIZED ADOPTIONS

On July 7, 1982, after a number of public hearings and discussions with the Advisory Committee members, it was recommended that Section 104 of the Child Welfare Act be proclaimed to provide for subsidized adoptions.

NATIVE RESOURCE COORDINATOR

The recommendation was made on August 27, 1982 that a person be appointed in the office of the Director of Child Welfare to be designated as a Native Resource Coordinator to facilitate and assist in Native adoptions and foster home development throughout the province.

INTERIM REPORT

The Interim Report was submitted in May, 1983. That report recommended that the moratorium on the placement of Native children out of province remain permanently in effect and that child welfare agencies direct their energies and resources towards placing aboriginal children within culturally and linguistically appropriate homes within the Province of Manitoba.

The report offered recommended procedures which would ensure the permanent placement of children and guarantee that Indian child welfare agencies were given full opportunity to find suitable placement resources within the Native community. Inherent in the recommendation is the assumption that the emergent Indian child welfare agencies are afforded the same status and equality as those of the established agencies in the child welfare field.

The following procedure was recommended:

1. Within four juridical days of a child being made a permanent ward, the child caring agency shall, in writing, notify the home Reserve and the Indian child welfare agency, with a copy to the Director of Child Welfare, that the child is available for adoption and shall include the necessary particulars of the child. The Director, having received notification under Section 28 of the Act shall ensure that such notification takes place.

2. Within four juridical days of receipt of the information, the Reserve and/or the Indian child welfare

agency shall acknowledge, in writing, to the child caring agency, with a copy to the Director, acceptance as to the sufficiency of the information or requesting further appropriate information to enable them to place the child or locate an adoptive home.

3. In the event of a disagreement, the Director shall indicate that the documentation is or is not sufficient. If insufficient, the Director shall indicate what additional material is required. It is anticipated that the monitoring system within the Director's office will ensure that this procedure would be implemented on a regular systematic basis so that no delay is incurred.

4. If the Reserve or the Indian child welfare agency does not acknowledge receipt of the information, the Director shall contact the Reserve and/or the Indian child welfare agency on the following juridical day.

5. The Reserve and/or the Indian child welfare agency shall have a period of time not exceeding 60 days to locate a suitable adoptive home and to notify the Director in writing of the name of the prospective family. Strict compliance of this provision will be monitored by the office of the Director of Child Welfare.

6. If an adoptive home has been identified, an extension of no more than an additional 30 days shall be granted to secure the necessary approval of the adoptive home.

7. Should the home Reserve and/or the Indian child welfare agency fail to locate an adoption home within the 60 or 90 day time frame, the child shall then forthwith be registered with the Central Adoption Registry, and that such registration take place within a further time frame of four juridical days.

8. The Central Adoption Registry shall forthwith circulate information on the child in the adoption bulletin. Such information should be sufficient for agencies to identify suitable, culturally and linguistically appropriate homes.

9. The Central Adoption Registry shall consider adoption homes in the following exact priority:

a) placement in a home on any culturally and linguistically appropriate Reserve within the Province of Manitoba;

b) placement in a culturally and linguistically appropriate home off-Reserve in Manitoba;

c) placement in an adoptive home in Manitoba.

10. If, within 30 days of registration, the Central Adoption Registry has not located a suitable adoptive home within Manitoba, the child shall forthwith be registered with the Canada Adoption Desk and that such registration take place within an additional 4 juridical day period.

11. The Canada Adoption Desk will be directed to place the following exact priorities in selecting an adoptive home:

a) placement in a home on a culturally and linguistically appropriate Reserve in Canada;

b) placement in a culturally and linguistically appropriate home off-Reserve in Canada;

c) placement in a home in Canada.

12. Until such time as the child has been placed, the home Reserve and/or the Indian child welfare agency shall have first priority to place the child in an approved home on the home Reserve, within the Tribal community, or in an off-Reserve home of a Tribal member within the Province of Manitoba.

13. If within 30 days of registry with the Canada Adoption Desk no suitable home is located, the Director shall refer the child to the Manitoba Child Placement Committee as outlined in Section 14.

14. The Manitoba Child Placement Committee, consisting of five members, shall be immediately established by the Minister and that the Committee shall consist of the following:

a) the Ombudsman;

b) a representative of the Manitoba Treaty Indian community;

c) a representative of the Manitoba Metis community;

d) a representative of the Director;

e) a representative to be appointed by the Minister.

It is recommended that the members of the Manitoba Child Placement Committee be appointed for a term certain (e.g. 3 years) at the discretion of the Minister so that the Committee will at all times reflect the thinking of the community. This Committee shall meet on a regular basis at the call of the Director of Child Welfare on receipt of applications for directions. Rules of procedure and any other applicable guidelines shall be laid down by the Director of Child Welfare or developed by the Committee subject to the approval of the Director.

15. On the establishment of a child protector system, the exact particulars of which will be contained in the final report, the Child Protector or his designate shall be a member of the Manitoba Child Placement Committee.

16. The Manitoba Child Placement Committee shall determine a suitable and secure placement of the child and shall ensure that such placement is carried out.

The report recommends that for Metis and non-Treaty Indian children, the same guidelines be followed substituting where appropriate Metis organizations and/or Metis community or Inuit organizations and/or Inuit community.

Priorities for the placement for these children will be placement, initially, within the local communities and, failing such placement, adoptive homes shall be sought in other communities or urban areas within the Province of Manitoba, and failing provincial placement, elsewhere in Canada following the guidelines and procedures previously recommended for the Indian children with the emphasis at all times on culturally and linguistically appropriate homes.

The report further points out that the suggested referral to the Canada Adoption Desk was an interim measure to cope with the alleged backlog of adoption placements. Such referral was seen as unnecessary within an outside limit of two years.

After release of the report, there was discussion with the members of the Advisory Committee and on June 6, 1983, the Chairman suggested two modifications to the procedures as follows:

1. That the consideration of cases by the Manitoba Child Placement Committee precede referral to the Canada Adoption Desk, and that such referral be but one of many options available to the Committee in planning for a child; and

2. That the time frames contained in the report be given some realistic flexibility to recognize the travel difficulties of Manitoba's north and special circumstances which may exist in some cases. Such flexibility should not, however, be allowed to be used as a vehicle to avoid accountability or to circumvent the time frames.

GROUP HOME REVIEW

The Group Home Review was submitted to the Minister in October, 1983 and included the following observations:

> This section of the report is based upon personal observation by the Chairman of approximately twenty-five group homes. It was not possible, nor was it deemed necessary, to visit all group homes in the province. While randomly selected, steps were taken to ensure that visits were made to all designated levels of homes in both urban and rural areas. Group homes were also visited in urban areas other than Winnipeg.
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> Prior to initiating these visits, interviews were held with over thirty persons connected with or apparently knowledgeable about group homes. The intent of these interviews was to identify the specific issues which should be addressed within the parameters of the Minister's request for the review.
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> Consistent with review techniques, only statements made by two or more persons are mentioned unless otherwise noted. Statements made to the Chairman have not been checked as to veracity or authenticity. All individuals interviewed were assured of anonymity and for this reason the homes visited and those interviewed are not identified.

Excerpt from Group Home Review

This report should be viewed as a picture of what now exists as perceived by the Chairman. It is hoped that the information contained herein will be used to focus attention on what needs to be done to improve the group home system.

It is important to know what this report is not. It is not an indepth analysis of the programs offered by specific group homes. This report does not attempt to lay out a plan for administrative action. If this report only identifies for the actors in the system the areas which need to be addressed, the process will have been worthwhile. It must be borne in mind that only twenty-five of the group homes in Manitoba were visited. It would be totally inappropriate to make a comprehensive analysis and, thus, observations are of a generalized nature. No opinion is offered as to whether the homes visited do or do not reflect the whole. Favourable comments and adverse comments cannot, therefore, be attributed to specific homes and it is unfortunate that in a report of this nature those homes that are progressive, satisfactory, accountable and worthy of praise may well be affected by a condemnation of others in the system.

Every effort has been made to be objective and fair and to base observations solely on the information made

Excerpt from Group Home Review

available and information gained in the course of visits to the group homes. The Chairman, however, is not able to ignore knowledge of the group home system acquired in community work and in the courts prior to and during this review.

As stated, comments may be made in this report which may be critical or complementary to group home operators or to agencies which refer children to group homes. The system, of course, has its strengths and its weaknesses. The strengths must be maximized, the weaknesses eliminated.

General

In the Interim Report of the Review Committee on Indian and Metis Adoptions and Placements, it was pointed out that the final report would contain a recommendation for the incorporation of the principle of accountability within the child welfare system. This theme will be repeated throughout this report.

Basic to any system seeking to be accountable is access to basic information, control systems, monitoring mechanisms and evaluative techniques. In a time when computer technology has reached a level of sophistication undreamed of just a few years ago, it is shocking to find that grocery stores have greater control over their stock than the Director of Child Welfare has over the children of this province.

A meeting with a head supervisor of agency group homes failed to disclose the exact number of children in care at group homes. As this report is being written, workers appear in court without knowledge of available beds in their own group home community. Supervisors who have only four or five group homes under their supervision choose to visit each home only weekly or every two weeks. Why not a daily or bi-weekly visit to monitor? Children cannot be supervised from behind a desk in some distant location. One can only query as to the reason behind senior administrative staff not visiting their group homes on some regular basis.

The protection of children should be the prime function of any information system. Throughout this study there has been a haunting, and often reinforced, suspicion that the children now being served by the group homes are products of the child welfare system itself. Repeatedly stories were told of children who had been taken into custody as infants, moved from foster home to foster home, subjected to one or more adoption breakdowns until as pre-adults they are acting out, hostile, suspicious delinquents and well on their way to becoming permanent residents of the province's correctional institutions.

The effect on the child is tragic. Even more tragic is the fact that the system cannot prove or disprove this suspicion. The system cannot, therefore, take steps to prevent such destruction from taking place in the future.

> *A story came to light of an agency child sent from a rural group home to visit his mother in Winnipeg without the child's worker contacting the mother to see if she was available for the visit. The worker said there was no phone at the mother's residence and assumed she would be available to visit with the child. The mother was not available, had no notice and the child accordingly ran. This tragic incident could have been avoided with some degree of care on the part of the child's worker.*

In the preceding sections of this report, it will be noted that the number of group homes in this province proliforated with no planning or assessment as to what was needed or where. The distinction of levels of care was developed after the fact. The development of standards was after the fact. The children of Manitoba deserve better than that.

Only with a comprehensive information system in place can we ensure that we have the resources we need, where we need them and that those resources will be effectively used. Only with a comprehensive information system can we begin to identify causative factors and trends so that we can be prepared to meet the needs of children in the future.

Over the years there has been a significant change in how society cares for the children that cannot be cared for in their own homes. The orphanages of the past, from today's perspective, seem to be impersonal, cold and callous warehouses for children. With foster homes and community based group homes as the primary method of caring for children today, the system is perceived as being more sensitive, human and compassionate. Yet there is no concrete proof that the current care patterns are providing children with anything new, different or more effective to produce healthy, happy, functioning adults. Again, the system has no mechanism for measuring its success or failure rate.

It is suspected that providing care in smaller, more homelike settings is more comfortable for the community's self-image rather than any conscious, planned or testable improvement in caring for children. But that is the pattern we have today and all efforts must be directed towards making it work for children.

The child welfare business is big business. Millions of dollars are spent and thousands of people earn their livelihood caring for children. Yet, while we know where every penny is going, we don't know what impact we are having on the lives of children. No studies are being undertaken, to the Chairman's knowledge, of the graduates of the group home system to see how changes could be made.

The Chairman was impressed in meeting two staff members in group homes who were themselves graduates of the child care system. While having little positive to say about their experiences, these individuals had, nonetheless, chosen to work in the child care field to do what they can from within to improve the system. This is commendable. More than that, these staff members and others like them must be valued for the special expertise they bring to their work and encouraged to share their knowledge with other staff and senior administrators to bring about positive changes.

We do know that the children of the poor and of natives are highly overrepresented in the child welfare system. This regrettably suggests that a cultural and economic class bias may be influencing judgments of what constitutes child neglect. It is shocking to know that 26% of the children in care are Treaty Indian and it is estimated that perhaps another 25% are Metis or non-status

Indians. The system must be made aware of this imbalance to ensure that no child is removed from family and community for the sole purpose of apparently improving the child's standard of living.

The only valid reason for a child to be in care is if that child's physical, mental or emotional health is threatened. It is feared that today there are children in care who should never have been removed from their families. The possibility of culture and economic bias has been mentioned. This possibility would appear to be a fact. The fact that so many children come into care in their teenage years suggests that society has intervened because of parental inability to cope with periods of teenage crisis.

For years studies, reports, and reviews have identified the need to provide in-home services to prevent the necessity of finding alternate care arrangements for children. At the risk of sounding repetitive, the same conclusion must be reached.

Again, the system fails to provide documentation to assist in the measurement of whether there has been any significant input into a family prior to the decision to remove a child.

Excerpt from Group Home Review

It is of interest to note that as the Chairman frequently decried a lack of detailed statistical information, certain child care workers immediately stated that data was available but had not been presented. Despite the fact that certain particulars are reported to the Standards and Licensing Branch, the detailed statistical data that should be available and kept and that would be of inestimable value is not available. To those who have stated that statistics are kept and are sufficient, those individuals are referred to (by way of illustration) statistical data on juveniles maintained by Probation Services and/or Statistics Canada or the monthly statistical bulletin published by the Manitoba Youth Centre.

There is one concrete piece of information that would support the contention that agencies have not done enough to maintain children in their own homes. At the present time agencies have a readily available resource in the form of funds to provide homemaker service to families. Only one agency, the Children's Aid Society of Eastern Manitoba, has made any significant use of that resource. It is postulated, with some degree of confidence, that research would reveal that the more staff time and money is provided for in-home services, the fewer children there are in care.

Excerpt from Group Home Review

Placement in a group home can cost from $9,000 to $51,500 a year. A well trained and experienced child care worker could provide full time service to a single family well within that range with enough left over to bring in the resources of nutritionists, psychiatrists, homemakers or any other special service that was necessary.

Adequacy of Facilities

Before addressing the more specific issues of physical and program standards, some general comments on the adequacy of the group home system are required.

There is a generally held view that an empty group home bed is a vacuum waiting to be filled. The very existence of group homes creates the need for group homes as a self-fulfilling, self-perpetuating service.

It must be said firmly and strongly that group homes are a necessary and valuable component of the child care system. There will always be children who have been so damaged in their relationships to parents or parent surrogates that no in-home service or foster home can provide them with the security they need.

Again, the lack of an information base confronts us.

Yes, group homes are necessary. But how many? Where? What kind of children are best served in group homes?

Excerpt from Group Home Review

The estimate of knowledgeable people is that there should be relatively few children in need of group homes. But today approximately 28% of all children in care are in group settings.

A number of factors have been identified which might account for this situation.

It has been previously indicated that there are probably more children in care than need to be but the resolution of that situation may be some time coming.

It must be recognized that for a child care worker who feels overburdened, overworked and jumping from one crisis to another, placement of a child in a group home bed must seem to be the ultimate answer. Safety and security are assured. The worker can move on to the next crisis. There is no doubt that placement in a group home not only solves the immediate problem but takes much less administrative time and effort than finding relatives to care for the child or finding, evaluating and approving a foster home.

There is also the suspicion expressed that agency child care workers may feel some unidentified, yet real, pressure to keep beds filled in the group homes managed by their own agency.

Early in this year it came to the government's attention that there were close to 200 children under the age of 12 in group homes. Government policy was developed to correct this situation. At the time of writing, this number had been reduced to about 75. Children have been moved to foster homes or permanently placed. Again, there are some children under 12 years of age for whom a group home setting will be necessary. A well informed estimate is that 25 such spaces may be required to serve the needs of the province. One can only wonder in amazement that at the beginning of the year it was felt necessary to have 200 children under twelve in group homes and how quickly the numbers were reduced when this issue was brought to light.

Similar attention is required for all children now in Level I and Level II homes. These are children who have entered the system because of situational problems in the home who might have some minor behavioural or emotional problems. This population might be significantly reduced by returning them to their own families with supplementary supports, placement in a foster home setting, or reduction in the length of stay in the group home through specific goal setting.

A third group that should be examined are those children 16 and 17 years of age who are not in need of a therapeutic milieu or active supervision. Consideration might be given to establishing a level of care which might best be described as a benevolent rooming house where these pre-adults could learn the skills required for independent living at age eighteen. Children must be prepared to enter the adult community and such preparation must be done early, effectively and with purpose.

There is some concern expressed about children who reach the age of 18 who are not ready, for a variety of reasons, to live independently. There are those who express the view that for those who have been in the child welfare system for some time, service should continue to age 21 in some cases. Others feel strongly that at age 18, the normal health and social service system of the community should be used.

One private group home operator resolved this dilemma in an enterprising way. Recognizing that some of the children who had been in her care for a number of years on reaching the age of 18 were not emotionally ready to be independent and that the group home represented the only "family" they knew, she purchased a house nearby which she established as a boarding house.

Excerpt from Group Home Review

Attention should also be given to the location, size and function of receiving homes. In rural areas, it is reported that most emergency situations can be met through placement in special foster homes, provision of a child care worker in the child's own home or in a motel. Local need should determine whether or not a receiving home is necessary.

A receiving home should be used for emergency situations or for evaluation purposes. A child's stay in such a home should be brief and certainly should not exceed 3 months. Unfortunately many children exceed this time frame.

Receiving homes should be carefully monitored. Again, systemic accountability is missing.

It was shocking to find in one receiving home that a child had been there for 2 years. This simply should not happen. That child was subjected to rotating staff and rotating peer groups. This is hardly a situation designed to provide a child with a sense of security.

There is no system in place to ensure that group homes are used for those who can best benefit from them. Agencies can place children directly into Level I, II, or III homes if there is a vacancy and if the home agrees to accept that particular child.

Excerpt from Group Home Review

There is no central registry with daily input to identify vacancies or to match the child and the home. Such a registry is required if the system is to ensure a satisfactory distribution of resources for the children throughout the province.

The need for such a system was made evident to the Chairman almost every day in the course of this review. Visiting group homes, the Chairman was made aware of existing vacancies or vacancies which would soon occur. Yet in Court, the Chairman was being informed that a child would have to remain in Agassiz Centre, Seven Oaks or in the Manitoba Youth Centre because there were no available vacancies in group homes. This is not to suggest that the workers were being deceitful but they were certainly ill-informed. A central registry would prevent such situations.

In the absence of a structured referral system, an informal network has developed between group home operators and agency workers. Workers may consistently place children in particular group homes where they have had previous positive experiences. Group home operators may favour referrals from particular agencies or particular workers with whom they have had a positive relationship.

Excerpt from Group Home Review

This system is just not good enough as it rests on personal and informal relationships rather than the best interests of children being the controlling factor.

In rural areas, the need for placement in a group home may be a rare occurrence for a worker. When a need for placement arises, the worker must first become acquainted with which group homes offer service at an appropriate level and then begin calling each group home until a vacancy is found. A central registry would eliminate this time consuming process.

A central registry would also eliminate the possibility of a child being placed in a home which has had its license removed because it did not meet required standards. It is reported that a group home which lost its license was subsequently used as a foster home by a child care agency. This should not happen and steps must be taken to ensure that this cannot happen in the future.

Placement of children in Level IV and V facilities currently require approval of the Screening and Monitoring Committee. This is a voluntary process and there is no regulatory requirement that either the placing agency or the care facility comply with this process. The intent, of course, is to ensure that these high cost facilities are used only for the children who really need this highly specialized form of care.

There is a weakness in this system. The Screening and Monitoring Committee can agree that a child is in need of care at a specific facility but has no power to require that the facility accept the child. It is reported that children who have been denied admittance to high level institutions on the grounds that their level of disturbance was too extreme and were subsequently placed in group homes made positive progress. This raises a number of issues which go beyond the scope of this review and, hence, will not be addressed at this time.

One additional issue is raised here which will be discussed in detail in the final report of the Review Committee. Only under provisions of the Child Welfare Act can a child be deprived of freedom and liberty without legal representation and due judicial process.

Physical Standards

The regulations set out the standards which a group home must meet in order to be licensed. The enforcement of those standards is the responsibility of the Standards and Licensing Branch. As all homes visited were licensed, it must be assumed that basic health and safety standards are complied with.

It can be argued that the physical condition of a group home has nothing to do with the programming that takes place in that home. But an impression is conveyed. Strong impressions are conveyed.

At the very least, a group home should maintain the standards of the neighbourhood in which it is located even if the regulations are silent in this area.

Far too often it was possible to locate the group home on the street without checking the house number. Too many group homes stood out as shabby, neglected, requiring basic repair and daily attention. The interiors of these homes were usually compatible with the exterior. Minimum furniture, no curtains or drapes, no plants, no pictures, nothing aesthetically pleasing. Many homes left the impression of a badly run boarding house.

Other homes fit in well with the surrounding area and were indistinguishable from other family residences on the street. Again, the interiors were compatible with the first impression.

At the other extreme were homes which stood out on the street because they were better cared for than the homes next to them. In these homes, one found a family atmosphere, a soothing ambience and almost consistently a visible library.

It is possible that the Chairman is overly sensitive in this area. But the literature and the manuals of group homes speak of the need to develop a sense of pride in children, a sense of identity. One loses confidence in operators who do not reflect that philosophy visually.

Of major concern is the fact that children are being placed in facilities which are not licensed to provide care for children. It is alleged that Probation Services, the federal Medical Services Division and occasionally child caring agencies place children at X-Kalay, at the Alcohol Foundation of Manitoba Treatment Centre, in hotels, at the YMCA and YWCA and in private boarding homes. The Standards and Licensing Branch feels it does not have the jurisdiction to stop this practice.

It is strongly suggested that the Standards and Licensing Branch exercise authority and worry about jurisdiction later. The community has the right to be confident that children are not being placed in unlicensed accommodation. If the facilities will not agree to undergo the licensing process, then the placing agencies should be directed to cease such placements or face a charge of child neglect.

The recent development of Indian child caring agencies has brought with it requests for the establishment of group homes on Reserves. Because of the remote location of some Reserves, it may not be possible to comply with certain standards. The regulations must be amended to have community standards apply in such instances.

Program Standards

It is obvious that a brief visit to a group home does not, and cannot, constitute an evaluation of the effectiveness of the program offered. Again, we must rely on impressions and on what we were told by group home staff.

What is of concern is the fact that at the present time program evaluations are not being done. We have no opinion as to whether this responsibility rests with the Standards and Licensing Branch or with the Child and Family Services Directorate or with both. But this issue must be resolved immediately and evaluations initiated on a regular basis.

It is highly possible that in many group homes children are not being helped but simply housed. It is also possible that children are actually being psychologically harmed in some group homes and, if this is the case, such group homes must be closed.

Excerpt from Group Home Review

Evaluations will also reveal which group homes are doing an effective job with children. Such homes should be given incentives to expand their operation to serve more children. Success should be rewarded. The ultimate beneficiary is the child.

In the course of the review, homes were visited which had resident house parents but the majority seen had shift staff. There is something uncomfortable about the idea of shift staff. Staff indicate that the children are so demanding that it would be impossible to tolerate the pressure 24 hours a day. Yet the children are there 24 hours a day - they must tolerate the other children in the home on a constant basis. No solution is offered but there must be some way that a feeling of stability can be built into the homes.

The responsibilities of referring agencies are outlined in the Child Care Worker Handbook of the Standards and Licensing Branch. The charge was made too often to be ignored that workers of the placing agencies are not fulfilling their responsibilities on a consistent basis. It was repeatedly stated that the frequency of visits to the children depended on the worker. Getting some Winnipeg agency workers to visit was described as "like pulling teeth".

Excerpt from Group Home Review

At the insistence of the group homes, most workers do attend quarterly meetings to review and revise the Individual Program Plans of children but one frequently gets the feeling that the workers are viewed as participating reluctantly. Those group homes which make regular worker visits a condition of admission do succeed in getting cooperation. It is to the credit of some group home operators that they insist on workers being responsible. But this is a role they should not be forced to carry. It is the child welfare agency worker or the probation officer who has the ultimate responsibility for the child. The workers also represent the child's link to family.

Child caring agencies and Probation Services must build into their systems a way of monitoring worker visits to ensure that contact with the child is maintained on a regular basis. If placing workers do not visit the children in group homes, one can have little confidence that time is being spent with the child's family to prepare for the child's return.

Frequently in the course of the interviews it was indicated that the level of cooperation between workers in the child care field and in Probation Services was not what it should be. This is an area which requires further investigation. Workers in each of these fields have a special role to perform and in the interests of the child there must be a sharing of information, an agreement on treatment goals, continued communication and fulfillment of responsibilities in those cases which involve both services.

It has been anticipated that staff turnover would be high in group home settings. This was not found to be the case in the homes visited. That is a reassuring trend.

It is of concern that there is no regular training course available for group home staff to enable them to improve their skills. The Standards and Licensing Branch has offered a training program but that is viewed as a basic course and no further opportunities have been made for advanced training. Regular ongoing training programs and updating of current trends in the field of child welfare should be mandatory for all workers.

Group home staff indicate that they make every effort to keep the child's family involved with varying degrees of success. Some parents visit group homes often, some never. It was pointed out that where there is a good relationship between parent and child, visits are more frequently in the child's home rather than at the group home. It was reported that some child/parent visits take place at the agency offices. It is difficult to imagine why this kind of arrangement would be necessary. One can hardly imagine a setting less conducive to relaxed family conversation.

A child should not be placed in a group home (or any other setting) unless there is a clear understanding by the family, the child, the placing agency and the group home of what is expected to happen in what time frame. We are simply not confident that a treatment plan is consistently available prior to placement. When there are doubts there is always a case which exaggerates those doubts. In one group home, the Chairman was informed that 8 days previously a child with an incredibly horrendous history had been delivered to the home with no file, no written history, no information about medical problems and certainly with no treatment plan. That simply should not happen.

In common with any group living situation, certain problems are inherent in group homes. A child previously involved in minor delinquency acts may be subject to the negative influences of more sophisticated delinquents. All a group home can do is take reasonable precautions to protect the younger or more innocent children.

It is also possible that incidents of physical or sexual abuse between children go unreported due to a child's fear of further intimidation. Such dangers must always be considered and measured against the actual situation in a child's own home.

Consistently group home staff mentioned problems with the child who "runs". It seems to be a chronic problem and perhaps one which requires some attention. Discussed later will be the financial problems created for group homes by "runners". That is not as important as the fact that children may be being lost to the streets who could be helped if their motivation in running was better understood.

There is a rigidity in the perception of the group home role at the present time. The system seems locked into the concept of the group home as a 24 hour a day, 7 day a week program. This need not be the case. Group homes could be used in a myriad of arrangements as yet untested by the system. Group homes could be used for day programs only. Group homes could be used as overnight havens when a home situation reaches crisis proportions only at night. Homes could provide weekend sanctuary in some situations. These recommendations will be expanded in the final report of the Chairman.

Excerpt from Group Home Review

Flexibility should be allowed. Flexibility should be encouraged. The Child and Family Service Directorate should have a sensitive and prompt response mechanism for receiving and processing innovative and creative ideas.

In summary, in the area of program standards, we identify the following issues which need to be addressed:

1. Program reviews of group homes must be initiated as soon as possible and steps taken to upgrade or eliminate group homes which do not meet acceptable standards.
2. Mechanisms must be put in place in both agencies and in the Child and Family Services Directorate to ensure that child placing agencies fulfill their responsibilities in the areas of the development of pre-placement treatment goals, continuing contact with the child placed in group homes, work with the child's family, and cooperation with discharge plans.
3. There should be examination of how a sense of stability can be brought to homes which are staffed on a shift basis.
4. Development of training opportunities for group home staff; and
5. Introduction of a response system for receiving, reviewing and reacting to new and innovative program ideas.

Geographic Distribution

The vast majority of group homes are located in the City of Winnipeg and at the time the information was gathered, over 50% of the Winnipeg group homes were operated by the Children's Aid Society of Winnipeg. With the closing of group homes serving children under 12 years of age, that picture will be altered somewhat.

It is a generally held view that children taken into care should experience as little disruption in their lives as possible. It is therefore felt that each region should have within it a full range of alternate care arrangements to meet the needs of children locally so that ties with family, school and community are maintained.

There are exceptions of course. In some instances a child's relationship to family and community may be so damaged that removal is the most positive and constructive treatment plan.

At the present time all the higher level of treatment facilities are located in the City of Winnipeg. As an alternative to the establishment of such facilities in rural and northern areas, consideration could be given to establishing multi-disciplinary teams which could act as a resource to homes located outside the City. Teams should consist of such specialists as psychiatrists, psychologists and child abuse experts.

Locating group homes outside the City does not necessarily mean service to that specific area will be provided. Two group homes visited in other areas had not a single child from the local community.

Excerpt from Group Home Review

A plan for the geographic distribution of group homes requires consideration of many factors, not just population data. Homes which specialize in certain client groups such as Quest or Neecheewam will attract referrals from throughout the province no matter where they are located.

It is clear, however, that even with a workable data base on group home residents, any plan for the geographic distribution of homes must be flexible, responsive to changes and carefully monitored.

Cultural Relevancy

It had been anticipated that children of native ancestry would form the majority of the clientele of group homes. This did not prove to be the case - Treaty Indian children constitute 19% of the group home population. Adding an estimation of an equal number of Metis and non-Treaty Indian children, we have approximately 40% aboriginal children. While not a majority, this constitutes a sufficient number to justify concern that cultural factors be given attention in group home programming.

While it is generally agreed that any program should be culturally relevant, neither the review of the group home manuals nor the interviews reflected sufficient attention to this component. The exception, of course, are those homes which are specifically directed to the native child.

The focus of any treatment plan is to enhance a child's self-image and that self-image must be in the context of the child's family, community and cultural heritage. At the very least, the group home should be aware of a child's cultural background and have some understanding of the value placed by the child's family on their culture. Efforts should be made to raise the topic for discussion and then to seek out activities that will provide the child with a greater understanding of cultural heritage.

In discussion, the impression was conveyed that there were many other factors of greater importance that needed to be dealt with by the staff. That may well be so but the issue of culture needs more attention than it appears to be receiving at this time.

It should be added, however, that no evidence was found that would indicate that native organizations, or any other cultural group, were beating down the group home doors demanding to be able to provide cultural education or activities for the children. Why are they silent?

Excerpt from Group Home Review

There are always exceptions. But those exceptions will not be identified unless culture is raised for discussion. There are those children who may have an Indian background but whose families have resided in an urban setting for generations and identify with the general community.

There are very few native persons employed as staff in group homes. As long as native children represent such a significant portion of the child welfare system, group homes should make a conscientious effort to employ persons of native background. Should the cultural pattern of group home clientele change, the same principle should apply.

In the area of religious practices, it was found that either religious participation was required or it was ignored. In this area the wishes of the child's family or guardian should override the orientation of the group home. Again, at the very least, this topic should be raised in discussion with the family so that their wishes are known to group home staff.

The sensitivity of group home staff to cultural issues could be enhanced by the provision of seminars using the resources of the Indian and Metis organizations and the Native Studies department of the University. Such seminars are deemed to be of vital importance.

Excerpt from Group Home Review

Other

In the course of this review, a number of issues were identified which merit mention.

The new funding formula for group homes is a matter of current concern. This new formula will place greater emphasis on occupancy levels and will certainly mean the demise of many under-occupied group homes.

The fear expressed by group home operators and placing agencies is that some group homes that are offering an effective service may be forced to close on the basis of financial considerations only. The need for program evaluations has been mentioned earlier. As a protection against the possibility of losing competent group homes, it is recommended that no group home be allowed to close without there being an evaluation, which must include statistical analysis, of the home's program effectiveness. If the program is found valuable, the financial resources should be made available to ensure that the home can continue.

There is also fear that the funding formula will have some subtle impact on group home operations as managers are forced to pay more attention to financial considerations. Operators may begin to develop artificial waiting lists. They may resist accepting a child who has been identified as a "runner". They may hesitate to arrange family visits for a child as that will impact on occupancy levels. In short, the operators' attention may not be fully concentrated on the treatment needs of the children.

It is imperative that during the early stages of the implementation of this new funding formula that lines of communication be kept open so that problems can be identified quickly and action taken to prevent any serious damage to the system.

In the course of group home visits, a casual remark of one staff member led the Chairman to raise this issue in subsequent interviews. It was noted that in recent years there appears to be a larger number of children in care and in group homes as a result of adoption breakdown. Some workers confirmed that impression, some felt there was no change, while still others felt the rate of adoption breakdown has always been high. Such placement breakdowns were reported not to be confined to native children placed with non-native homes.

Unfortunately, we are again confronted with the lack of an information system that could confirm or refute this impression quickly. This is, however, an area which should be examined so that steps can be taken to identify and correct the causes of such adoption breakdowns.

Excerpt from Group Home Review

The Group Home Review concluded with the Chairman's comments:

> In the Interim Report of the Review Committee on Indian and Metis Adoptions and Placements it was indicated that recommendations were being considered for inclusion in the final report for the reorganization of the child welfare delivery system. Such reorganization would ensure that services would be sensitive to the cultural and ethnic composition of communities by being "community-based".
>
> It was also pointed out at that time that it was believed that such community sensitivity could be only ensured in the City of Winnipeg by the establishment of up to 6 separate agencies. Information secured in the course of this review convinces the Chairman more firmly that the implementation of such a plan is necessary.
>
> The review of group homes has strengthened the belief that smaller, less administratively cumbersome agencies would best meet the needs of children. The impression is conveyed that in an agency as large as the Children's Aid Society of Winnipeg the many administrative levels between child and policy makers provides the possibility for error, for a breakdown in communication and for a lack of management control.

Excerpt from Group Home Review

No criticism of staff is implied, nor should it be inferred, by these comments. The Chairman was impressed with the dedication and commitment of most of those interviewed. But the very size and administrative structure of the Children's Aid Society of Winnipeg is an impediment to the effective care of children in the Chairman's opinion.

The necessity for assessment of programs in each group home has been noted. Such reviews will provide a measure of effectiveness and provide a basis for decisions as to which homes should be strengthened or closed and which homes should be given incentives to expand their operation.

While not wishing to prejudge or predict the outcome of such reviews, it is the Chairman's opinion that the conclusion may be reached that, other than receiving homes, child caring agencies should not be managing group homes. It is the Chairman's perception, at this stage, that group homes are better managed by private organizations or individuals than by agencies.

When one suggests in any report that certain services or facilities might well be reduced or, in fact, eliminated, anxiety is inevitably created for staff which might be affected. This anxiety must be allayed.

There has been created in this province a corps of trained, experienced child care workers. The need for the extension of in-home services has long been recognized and must be at long last implemented. Some mechanism must be found for matching the human resources we have with the need for in-home service. It has been suggested that the Home Care program be considered as a possible model for the establishment of a resource pool for in-home child care services.

There must also be an examination of the relationship of probation officers and child care social workers to each other and to group homes. If such cooperation must be mandated, so be it.

As this report was in the final stage of completion, the Chairman had the opportunity to meet with the Family and Children's Services of Kenora. Information gleaned in that interview has relevancy to this report.

The Chairman was informed that the Kenora agency serves a population of approximately 60,000 with approximately 400 children in care (2% of the children under the age of 18). That agency has found it necessary to provide for 28 group home beds or group care for 7% of its client population. Manitoba, on the other hand, provides care to children in group settings in over 25% of the cases. Why should this difference exist?

The legislation of Ontario is not substantially different from Manitoba in the area of child advocacy. Yet the Chairman was informed that in every contested case in the Kenora district the child has legal representation. This practise is fully supported by the Court, the child care agency and by the local Legal Aid office. This area, along with the Crown Wardship Review system, requires further study by the Chairman as there will be implications for the Child Protector's Office which will be recommended in the final report.

The Chairman has also been made aware of the Ontario province-wide children's mental health program. It is the Chairman's opinion that a similar service should be considered for Manitoba as part of an overall strategy of problem prevention.

Excerpt from Group Home Review

FILE REVIEW REPORT

The File Review Report, submitted to the Minister in April, 1984 contained data secured from the examination of the files of the 93 Native children who were placed for adoption outside of Manitoba in 1981.

An examination of the statistics revealed that:

- 53% of the children placed outside of Manitoba were placed in the United States
- 86% of the children placed outside of Manitoba were of native ancestry
- 15 children placed outside of Manitoba were not native
- 55% of the children placed outside of Manitoba were female
- 94% of the children placed outside of Manitoba were over 2 years of age
- 7 children under the age of 2 were placed outside of Manitoba and of these, 5 were less than one year old. Four of these children were non-native. All 7 children were placed singly.

Excerpt from File Review Report

- 42% of the children placed outside of Manitoba were placed alone
- 56 children were identified by the placing agency as being "special needs" children. Only 5 of these children were described as having a "non-correctible" condition.

The report contained comments as follows:

> After the release of the Interim Report in May of 1983, the Chairman was sharply criticized, both publicly and privately, for having stated that the native people of Manitoba had been victims of cultural genocide.
>
> It is necessary to clarify the Chairman's perception of the term:
>
> > "If one native child has been placed out of province where there was no need for it, then cultural genocide has occurred."
>
> Having now completed the review of the files of the native children placed out of province in 1981, the Chairman now states unequivocally that cultural genocide has

Excerpt from File Review Report

been taking place in a systematic, routine manner.

The Chairman now repeats:

> "If one native child has been placed out of province where there was no need for it, then cultural genocide has occurred."

OBSERVATION The placement of children out of province has not been the exception. The placement of children out of province has not been justified on the basis of age, sibling group size or special problems.

OBSERVATION The placement of children out of province constituted a regular ongoing practise which took advantage of a readily available pool of adoptive parents.

The availability of that resource and the political and administrative acquiescence to this practise served to delay the development of Indian resources, prevented the development of specialized services in the province to respond to the changing needs of adoptees and adoptive parents and removed the necessity to study, examine and evaluate the actual situation.

If there was no acquiescence, there was at least condonation, direct or implied, to the systematic delivery of children beyond the boundaries of Manitoba with the subsequent culture and identity loss.

When the Indian residential schools were operating, children were forcibly removed from their homes for the duration of the academic year. The Chairman has been repeatedly informed that the children were punished if they used their own language, sang their own songs or told their own stories. But at least under that system the children knew who their parents were and they returned home for the summer months.

OBSERVATION With the closing of the residential schools, rather than providing the resources on Reserves to build economic security and providing the services to support responsible parenting, society found it easier and cheaper to remove the children from their homes and apparently fill the market demand for children in Eastern Canada and the United States.

With the moratorium against out of province placements remaining in place and with the development of Indian child and family service agencies, a start has been made to correct the damage that has been done to the native people of our province.

OBSERVATION

The process cannot stop now. Steps that are taken to improve the system for native children will ensure a responsible system for all children.

The Files

When the Chairman attended at the agencies to review the files, the files had been prepared for physical examination. The Chairman, therefore, cannot comment on whether or not the files were kept "separate" and "secured in a safe depository", the requirements of the Child Welfare Act.

The files themselves left much to be desired. Documentation and correspondence were in other than chronological order, some correspondence torn, letters folded, giving the appearance of disarray and lack of organization. Only in one agency were files in a reasonably satisfactory condition, placed in separate file envelopes and sealed. Even in that agency the seals had been broken with no notation on file as to when the seals had been broken, by whom and by whose authority.

OBSERVATION

The condition of the files is relevant in that it affects the ability of any reviewer to obtain information from the file. The Chairman found the files at times to be almost totally incomprehensible. Undated handwritten notes were found. Correspondence, as previously stated, was not in chronological order. Requisite information was conspicuously absent. Years of agency involvement was found with only infrequent and erratic case summaries and, in some instances, no summaries were located.

The Chairman had anticipated that the files would contain an up to date or detailed closing summary of the case as required under the Child Welfare Act. It was expected that such a summary would describe how the agency had initially become involved with the family, what the perceived problems had been, what the agency did to ameliorate those problems and what precipitated the agency's decision to seek permanent wardship of the child. The Chairman anticipated that the summary would contain a description of the options considered with reasons given for those options which were discarded. The Chairman expected there would be a typewritten summary of the court proceedings along with specific plans for the child should permanent wardship be granted. It was also anticipated that the summary would indicate efforts to find a Manitoba placement, some comment on why such efforts failed and the basis for the decision to seek an out of province resource. The Chairman anticipated that such summaries would have the signature of the worker and supervisor and, in the smaller agencies, the director as well.

Excerpt from File Review Report

Such was not the case. Summaries were done so infrequently as to cause positive comment to be made about the existence of a summary at all. The casual attitude to dealing with children reflects an inappropriate position and procedure.

OBSERVATION

In one agency - and it must be said that this is the agency with the orderly and sealed files - the files contained a brief note, readily available, which contained a list of the following dates:

Permanent wardship granted -
Listed with Manitoba Desk -
Distributed in Manitoba Bulletin -
Featured in "Child Who Waits" -
Listed with National Desk -
Placed -
Adoption Final -

This is impressive. However, as these notes were undated and unsigned and in view of the fact that the seal on the adoption file was broken prior to their examination by the Chairman, it is possible that these files were opened and the notes inserted after the Chairman indicated his intent to review the files.

Excerpt from File Review Report

For the final report, it is the intention of the Chairman to recommend areas for further research and examination. This will be done. But it will be important for researchers to recognize the realities of agency records. The research time will be a realistic cost factor which will have to be considered.

It was anticipated that the files would also show the degree of respect and empathy agencies have for their clients. It was not so found. Personal letters to parents or adoptive parents or to the National Adoption Desk were infrequently located. Some agencies made use of form letters with handwritten insertions.

OBSERVATION

Again, the files themselves support the premise that in the field of child welfare, the smaller the administrative unit the more responsible appears to be the agency's attitude and actions. In the smaller agencies, all levels of the administration are apparently involved in major decisions. As the size of the agency increases, it appears that decisions are made at the worker level.

OBSERVATION

The Chairman makes no apology for any facts which may have been misinterpreted or missed. The files are simply not in a condition which would permit error free research or even allow for an accurate understanding of the process eventually culminating in final adoption.

In the past, professionals have defended the absence of information on files in the erroneous assumption that to document facts would be a breach of confidentiality. No such privilege exists. On the contrary, there is an obligation to accurately, concisely and professionally record in detail any and all facts and observations that will be of benefit for the client - adult or child.

The Chairman searched in vain to find in at least one file some details indicating why approval had been given to the adoptive family over other applicants. Were there other applicants? Did the Executive Director give final approval? Why was there no indication of ongoing contact and no written report following placement prior to the decree absolute being granted? One is left with a feeling that interagency working relationships are carried out in an atmosphere of collegiality where no serious or relevant questions are raised and no major concerns identified. In the area of adoption, these casual procedures are clearly unsatisfactory.

OBSERVATION

These findings reinforce the Chairman's comments in the Interim Report regarding the need for systemic accountability. This will be discussed in detail in the final report. On completion of the examination of each file, the Chairman was left with the impression that those who contributed to the file or who had responsibility for the file felt no need or pressure to be accountable since the files were subject to no scrutiny of any sort.

The Children

Children enter the system either at the request of parents or on the basis of suspected or alleged abuse or neglect. The issue of the types of guardianship orders required will be discussed at some length in the final report.

Today the court may grant an agency temporary guardianship of a child for a specific period of time or grant permanent guardianship. When the child becomes a permanent ward, parental rights and responsibilities terminate and the child is technically available for adoption.

The public tends to view the "adoptable" child as young and alone. The Winnipeg Free Press editorial on June 1, 1983, referred to "parentless children".

The children who were placed out of province were not "parentless" except in the strictly legal sense. They were children who had been removed from their parents, separated from their brothers and sisters and relatives, and ultimately shipped away to a totally different environment.

This raises a most serious question as to whether the imposition of strict standards of confidentiality are appropriate at all in these cases. Should not a child with memories of parents be permitted to maintain contact with the parents? Is it really appropriate for information about a child's placement to be withheld from parents? Should not sibling groups be permitted, even encouraged, to keep in touch with each other? Submissions made to the committee by those who experienced this loss would indicate that memories are not erased but merely suppressed for a time.

OBSERVATION

Repeatedly the Chairman has heard from children, now of adult age or in their late teens, who confirmed their ongoing interest, desire and need to know of their biological parents. Such concerns were identified even when the surrogate parents were loved and praised.

Excerpt from File Review Report

At a special hearing, a woman addressed the Chairman - "All I want to know is whether my grandchild is alive?" Is that too much to ask?

The preceding sections illustrate how totally inadequate the statistics are in conveying the actual situation. The statistics show us the size of the "unit" that was placed. In at least 60% of the cases that unit size does not reflect the size of the family in which these children originated. It is important that information systems are developed in a way that will convey the actual facts so that the workers, agency boards and the community at large will know the extent of the separation trauma to which children are being subjected.

"Permanency Planning". That is what the agencies report to be doing. What they voice as their major focus is the philosophy that "every child is entitled to a family of its own". So adoption placement has been the ultimate goal of agencies.

Excerpt from File Review Report

A noble goal. A socially agreeable goal. BUT AT WHAT COST TO THE CHILDREN!

Following the imposition of the moratorium on out of province adoptions in the spring of 1982, the agencies publicly decried this interference with their adoption placement procedures. What are the facts?

In the name of being provided with a family of their own, children have been subjected to separation from their parents and separation from their siblings as well.

The children placed for adoption out of province ran a good chance of having that adoption break down prior to its becoming final or of having the adoption break down during the child's teenage years. Statistics would bear out this observation.

For the majority of children who become permanent wards, infants and young children excepted, there is only a remote hope of an adoption placement. For most of these children, the reality is that they will be placed in a series of foster homes, group homes and institutions with the very real

OBSERVATION

possibility of spending some of their adult years as residents of the province's correctional facilities.

Could the children's own families offer the children less than society has given them?

When a child is neglected or abused within its own family, the state can step in and remove that child for its own protection. Who protects the child when it is neglected or abused by the child welfare system? Who holds the system accountable?

If parents who voluntarily surrender custody of their children were aware of the facts, would they make the same decision? It became clear during the course of submissions made that parents who believed they were doing the proper thing by surrendering custody of their children, had no realization of the unsettled future which the children faced.

It begins to appear that for many children, adoption constitutes unpaid foster

Excerpt from File Review Report

care lacking the benefits of supervision and monitoring.

Rather than being the rule, the placement of a child for adoption in "a family of its own" is the exception. Successful adoption placement at least for children of Indian descent, appears to be the result of chance rather than good planning.

No statistics are available, nor has the Chairman found any post adoption studies, to indicate the success or failure of present adoption placement procedures. What is available, however, is the ever increasing number of children coming before the courts on criminal matters who are the products of adoption breakdown, group home care or foster placement. These "adoption breakdown" candidates are appearing with greater frequency in the juvenile courts of this province.

The Agency

In almost all of the cases reviewed,

the child caring agency had been involved with the families for a considerable period of time before permanent wardship was sought or secured. While not a focus of the file review, certain observations can be made.

It was evident that alcohol and drug abuse were frequently apparent as causative factors in child neglect or abuse. It also seemed apparent that child caring agencies - at least in the cases reviewed - appear to have little success in altering such behaviour patterns. Research into treatment of substance abuse must continue. Agencies need to consider alternate means of protecting children locked into such situations.

OBSERVATION

The Chairman recently attended public hearings of an Ontario Legislative Committee. The following statement was made - "People in this town have their children taken from them forever when what they really needed was a babysitter for Saturday night".

Excerpt from File Review Report

OBSERVATION

Removal of children from alcoholic parents need not be the only option for protecting children. Neighbourhood Resource Centres offering 24 hour a day care could be an alternative. The establishment of neighbourhood "safe houses" could provide a haven for children when parents are unable to provide responsible care.

From the very cursory view of the dictation on the family files, it was not clear just what the agency did to help a family. Dictation tends to describe the problems exhibited by a family but not what the agency did about the problems. In too many instances, it was noted that the agency worker provided the family with the telephone number of an alcohol treatment program, an employment service or a day care program, but there was no indication that the worker then followed up to see if the family actually made the contact nor, except in a few notable instances, any evidence that the worker took concrete action

Excerpt from File Review Report

to ensure that contact between family and service actually occurred.

It was noted that in a significant number of cases, the parents of the children were or had been wards of the agency themselves. This raises a myriad of questions. Is the agency acting responsibly when it apparently permits and supports a 14 year old living with her juvenile boyfriend? What responsibility does the agency have for imparting information about birth control? Is it possible that in getting pregnant, the wards are actually making the most realistic plan for their future economic security? Do agencies have a greater, equal or lesser responsibility towards wards than do natural parents towards their children? What is it about the system that forces wards to recreate for their children the same set of circumstances that led them to become wards in the first place?

Again, we have to ask - could the natural parents have done any worse?

Excerpt from File Review Report

OBSERVATION

The file review did not reveal the steps the agencies take to decide whether temporary or permanent wardship should be sought through the courts or which staff persons were involved in making that decision. Also not evident, was the process for determining which children amongst the permanent wards were candidates for adoption placement.

In one agency functions related to the child are "departmentalized." The director of the adoption service indicated to the Chairman that children are "referred" to the adoption service by the various other departments. Only recently has there been initiated an internal review of some of the files of permanent wards which permits the adoption supervisor to participate in the decision making process of referring the child for possible adoption placement.

Again, the conflict between philosophy and practise confronts us. Agencies articulate the belief that "every child is

Excerpt from File Review Report

adoptable" and it is only a problem of finding the right adoption home.

Yet the whole system refutes that premise. The information available to date indicates that adoption home identification is a "passive" process, that the Central Adoption Registry is a "passive" service.

One gets an image of children stacked in foster homes as used cars are stacked on corner lots just waiting for the right "buyer" to stroll by.

All the files reviewed involved native families. In the files of every Treaty Indian child, the band of origin was identified. For Metis and non-Treaty children, the home community of the parents was identified in all but a few cases even though the families may have been long term residents of the City of Winnipeg.

In very few of the files examined was there evidence that the agency made contact with the home community for a possible adoption resource. It was by far the exception, not the rule.

Excerpt from File Review Report

It is conceivable that parents, for whatever reason, may ask an agency not to contact relatives or the home community. If the lack of contact was because of the wishes of the parents, that fact should have been and was not noted on the files.

There were exceptions, of course. In a few cases, family and community resources had been exhausted prior to the child coming into the care of the agency. In a few cases, local resources were not appropriate on the basis of a child's medical or psychological needs. In a number of cases, the primary focus of the agency was to place children with siblings who had been previously placed. In at least one case, in the Chairman's opinion, the agency would have acted inappropriately if it had sought a placement resource anywhere in the province.

OBSERVATION

It should be pointed out that contact with the home community of native persons is not a difficult task. All reserves except Barren Lands, Tadoule Lake, Lac Brochet and Shamattawa can be contacted by direct private telephone line. Every reserve has a chief and an administrator and names and telephone numbers are readily available through the local Department of Indian and Northern Affairs. Every local community in Manitoba has a Mayor and names and telephone numbers are available through the provincial Municipal Affairs Department or Northern Affairs Department. The Manitoba Metis Federation has a province-wide organization and local contacts can be located through the provincial or regional Federation offices. It is not a difficult chore.

Treaty children, when adopted, maintain their Treaty rights. When the adoption is final, a copy of the order is sent to the Registrar under the Indian Act (Canada). This, again, is a passive registry. Information regarding Treaty rights is provided upon the request of the adoptive parents or upon the request of the adoptee who is beyond the age of majority.

Given the passivity of the Indian Act registry, agencies placing Treaty Indian children, in the Chairman's view, carry a responsibility to ensure the adoptive parents are aware of the Treaty status of the child. Yet in no file did the Chairman locate any letter from the placing agency to the adoptive parents regarding the issue of Treaty rights. This is not a responsibility which can be transferred to the out of province placing agency and not an issue which should only be covered in discussion. It is too important a matter to be left to chance. The rights of the Treaty Indian child should be protected by every means possible. If communication was done by phone, the Chairman decries the process.

OBSERVATION

Similarly, the Chairman found no evidence of the agencies informing adoptive parents in writing of the cultural factors of which they should be aware in raising children of native descent whether Treaty, non-Treaty or Metis.

OBSERVATION

The Adoptive Parents

This report was not intended to examine the system from the viewpoint of the prospective adoptive parents. It is clear to the Chairman however that such a study is required.

General guidelines for handling applications for adoption are set down by the Child and Family Services Directorate but each agency can establish its own procedures as long as legal requirements are met.

OBSERVATION

The Chairman was deeply concerned at the cavalier attitude exhibited toward prospective adoptive parents in one case examined. These prospective applicants were treated with less courtesy than one would expect would be given to applicants for a credit card.

The child was an infant of native ancestry. Described as healthy, this child was featured in a newspaper column as an adoptable child. From the file, it appeared

Excerpt from File Review Report

that at least 12 Manitoba families offered their homes as potential adoption placements. As requested in the newspaper column, each letter contained details about the prospective adoptive family with a description of why they felt they could offer a secure and permanent placement for the child. The Chairman was impressed with the sincerity of these letters.

Each of these families received a form letter referring them to the agency serving the geographic area in which they resided. The form letter was badly typed and poorly set up and added notations were carelessly inserted. It seems incredible that people who have stepped forward to offer their home for a specific child should be dealt with so crudely and with such little courtesy and with such little regard.

However, the form letter format was not as offensive as its contents.

The form letter informed these prospective adoptive parents that the child had

OBSERVATION

already been placed for adoption. The letters were dated prior to the time the child was introduced to an out of province family with whom the child was permanently placed!!

The Chairman has stated: "If one native child has been placed out of province where there was no need for it, then cultural genocide has occurred". Clearly this file demonstrates the validity of the Chairman's statement.

In the Chairman's opinion, Manitoba had the resources to meet the needs of all the children placed out of province in 1981. But of all the files reviewed, this particular case is the most blatant, dramatic example of the cultural genocide which has been apparently practised routinely by the child welfare system.

Post Legal Adoption Services

It is clear that in 1981 the child caring agencies of Manitoba saw their responsibilities to child and natural and adoptive parents end at the point that the adoption became final. That may have been appropriate once - but it is an inappropriate stance now.

It is small wonder so little is known about what succeeds and what fails in the child welfare system. Lack of feedback reinforces failure.

OBSERVATION

In one case reviewed, the agency had worked with a family over many years. At first children were removed one by one, then in small groups and when the mother became, in the opinion of the agency and the court, unable to cope, all the remaining children were removed. The file note states - "As the mother no longer has any children with her and is just responsible for herself this file may now be closed."

Does that notation erase the mother's concern for her children? Does that notation erase the children's memory of each other and of their mother? Will the children at no time in the future want to locate their natural mother?

Excerpt from File Review Report

Natural parents surely have a right to know what happens to their children after they become wards of an agency. The natural parent should not be put in a position of having to beg an agency for information as basic as - is my child alive? Is my child well? Is my child happy?

It is the Chairman's opinion that agencies should maintain contact with adoptive parents and should regularly inform the natural parents of the children's progress. This can be done in a way that maintains confidentiality.

This procedure would accomplish a series of goals:

1. It would assure the adoptive parents of the agency's continued concern for them and for the child.
2. It would provide valuable feedback on the effectiveness of the agency's policies and practises related to adoption.
3. It would ease the trauma and sense of loss that all natural parents must feel when their child is taken from them.

Excerpt from File Review Report

4. It would in no way interfere with the security and confidentiality of the child's placement if that is viewed to be in the interests of the child.

Not unlike other fields, child welfare is influenced by new trends. The current movement is towards "open adoptions". All this means is that natural parent and adoptive parent know each other and share concern for the child.

The legislation in Manitoba provides for "private adoptions" and "de facto adoptions". These essentially constitute "open adoptions".

Only in "selected adoptions" is secrecy of the identity of natural parents and adoptive parents maintained. This is called "confidentiality".

The need in every situation for this secrecy or confidentiality is seriously questioned on the basis of the information that has been secured in the process of this review.

Not only is the need for confidentiality not seen as necessary, it is beginning to appear that it is actively damaging to all parties concerned.

The issues of post legal adoption services will be discussed in greater length and detail in the final report.

Protocol for Return

OBSERVATION

Too many Manitoba children have been lost. Too many native children have been deprived of their cultural heritage. Efforts must be made to find the children.

The Director of Child Welfare should be mandated to contact every out of province child welfare agency through which Manitoba children have been placed. Those agencies should be made aware of the development of Indian child and family service agencies throughout the province.

The placing agencies should be asked (no demand can be made) to consider repatriation to Manitoba in the event that the adoption placement breaks down. The agency should also be asked to offer repatriation to Manitoba as an option to adoptive parents and adoptees if the child is experiencing difficulties which in any way might be related to problems of self-identity, culture conflict or behaviour patterns that might be related to the need to re-establish family, community or cultural contacts.

The Director should identify the Native Resource Coordinator as the contact person. Upon being notified of the possibility of a child's return to Manitoba, the Coordinator would take responsibility for establishing direct contact with the appropriate Indian child and family service agency or the appropriate native organization. The Coordinator would also be responsible for expediting the return of the child and for monitoring the situation, maintaining appropriate records and submitting periodic reports to the government.

On the basis of the review of the actual files of the native children placed out of province in 1981, the Chairman must conclude:

- that agencies did not make sufficient effort to locate members of extended family prior to placing children out of province,
- that agencies did not make sufficient effort to contact home communities to locate placement resources prior to placing children out of province,
- that the placement of children out of province was a regular, ongoing, routine practise of child caring agencies of the province,
- that the placement of children out of province was justified in only a few isolated cases,
- that the placement of children out of province was not justified on the basis of age, sibling group size or special problems of the children, and
- that the agencies failed to develop methods of caring for large sibling groups.

All parties have been at fault -- federal and provincial governments who failed to resolve their jurisdictional dispute for the care of Treaty Indian children; former Directors of Child Welfare who neglected to build accountability into the system; the child care agencies, both public and private, who failed to examine the results of their policies and practises and who failed to keep accurate statistical data; the native organizations who remained too silent, too long before demanding control of their children.

It is all too easy to strike out at the agencies directly providing child care services. The Chairman must bear some responsibility for putting agencies on the defensive. The press, with sometime excessive journalistic zeal, has maintained a steady barrage of criticism placing the agencies in a Catch 22 situation. If a child is apprehended, the agency is criticized. If a child is not apprehended, the agency is criticized. It is no wonder staff morale is reported to be low. It is a wonder that agencies are able to hold staff at all.

It is time the child welfare system refocused on the purpose for which it was established. It is time the resources were made available to maintain children in their own homes. It is time research learnings were utilized to provide children with the security, stability and relationships they require to thrive. It is time that accountability was required of the child welfare system. It is time that more than lip service is given to the phrase "in the best interests of the child".

POST LEGAL ADOPTION SERVICES

At the suggestion of the members of the Advisory Committee and based on submissions by three of those members, a paper was prepared and submitted to the Minister in June, 1984.

That paper traced the development of adoption services and identified the realities that led to the development of present adoption practises. The paper notes that the clientele of child care agencies have changed in terms of cultural background, method of entrance into the system, age and life experience. The practises have not changed.

The lack of research and reliable feedback on adoption experiences has impeded the modification of procedures to improve the chance of success of adoption placements.

The paper concludes that the child welfare system has a responsibility to all parties of the adoption triad beyond the point of the final adoption. Adoption families appear to frequently experience special stresses which require supportive intervention. This need must be recognized by the provision of appropriate services.

Evidence indicates the need for an active post adoption registry staffed by persons of special skills and sensitivities. The paper also recommends intensification of research and dissemination of research findings.

Summary of Post Legal Adoption Services Paper

AGENCY INTERVIEW REPORT

Interviews were conducted with all the existing child care agencies in the province and, based on those interviews, a report was submitted to the Minister in July, 1984. That report contained the following recommendations:

RECOMMENDATION 1 THAT the Child and Family Services Directorate initiate and distribute a monthly bulletin to keep agency personnel informed of changes and developments in the system. Such a bulletin would serve as a training device and agency staff should be requested to submit articles on new and innovative techniques which prove successful or otherwise. Articles discussing emerging concepts must also be published as well as findings from other jurisdictions that have a bearing on Manitoba practice and procedure.

RECOMMENDATION 2 THAT the Director of Child and Family Services include in the data collected from agencies, information on numbers and position levels of staff to provide an additional factor for ensuring that service is

Excerpt from Agency Interview Report

provided on an equitable basis throughout the province.

RECOMMENDATION 3 THAT all agencies be required to employ staff persons that are sensitive to cultural characteristics of the client group and that such cultural awareness be reinforced on a regular basis.

RECOMMENDATION 4 THAT the Child and Family Services Directorate identify the training needs and desires of staff and administrators of all child care agencies and that training courses be provided through appropriate educational institutions or by the Directorate itself on a regular scheduled basis.

RECOMMENDATION 5 THAT attendance and successful completion of periodic upgrading courses be made mandatory for all program and administrative staff of child care agencies and be monitored accordingly.

RECOMMENDATION 6 THAT child care service be integrated with other community services to maximize the effects of preventative services. Such integration exists in a structural manner in regional office programs and in an informal manner in native agencies. Only private agencies function independent of other services. Integration of services is essential and requisite.

RECOMMENDATION 7 THAT private agencies and regional offices adopt the recruitment techniques successfully used by native agencies. Searches for foster homes should involve investigation of resources within the extended family, the neighbourhood and the local community. Informed local people should be involved in foster home identification and approval.

RECOMMENDATION 8 THAT it be recognized that general recruitment campaigns are not productive in locating foster or adoptive homes but that they do serve a valuable public relations function. Accepting this reality, it is recommended that a professional public relations firm be employed to conduct periodic campaigns on behalf of all child care agencies. Actual recruitment efforts should be patterned after techniques developed by the native agencies - that is, contact with extended family members, neighbors, and through informed community residents. Voters lists might also be reviewed to identify potential foster and adoptive families.

RECOMMENDATION 9 THAT a province-wide registry of approved foster homes be established to be used when it is deemed necessary to place a child in other than its own community. Such a registry could be integrated with the central computer system now in the process of development.

RECOMMENDATION 10 THAT the regulations be amended to clearly state that local community standards apply for foster homes. To minimize the possibility of bias affecting the judgment of staff, a committee of local people should be used to define local standards and to monitor their consistent application.

RECOMMENDATION 11 THAT all child care agencies immediately take training to learn to be sensitive to the cultural characteristics of their clientele. To this end, persons representing local ethnic/cultural groups should be appointed as board members (where this

Excerpt from Agency Interview Report

is appropriate), hired as staff persons and involved in local committees. Cultural sensitivity training should be mandatory for all agency personnel.

RECOMMENDATION 12 THAT in establishing staffing quotas for child care agencies, geographic realities, along with other factors, be recognized.

RECOMMENDATION 13 THAT each child care agency establish procedures to monitor staff and follow up on children in care to ensure regular supervision. Such data should be kept in such a form that it is available to the director of Child and Family Services. This is one facet of the system required to ensure accountability.

RECOMMENDATION 14 THAT child care agencies review on a regular scheduled basis their cases of long term foster placement where the children are free for adoption to determine whether adoption can be considered with or without financial subsidy. Ongoing review of cases will be required and monitored as part of a total child protection system to be recommended by the Chairman.

RECOMMENDATION 15 THAT the subsidized adoption provision of the Act be proclaimed and implemented.

RECOMMENDATION 16 THAT services for, and on behalf of, children be provided at the local community level and that each community develop the resources and/or mechanism for responding to emergency care situations.

RECOMMENDATION 17 THAT if a family member is found guilty of family child abuse, the legislation should require the removal of that person from the home until successful completion of psychotherapy.

RECOMMENDATION 18 THAT the child abuse registry be entered into the computer system and that this registry be checked for each prospective adoptive and foster parent. The agencies must take every precaution to prevent placement of children in homes where there is a known child abuser. The abuse registry must also incorporate documentation when an abuser has undergone successful treatment.

The report concluded with the following observations:

The agency interviews confirmed for the Chairman what had been found in other phases of study. That is, that the traditional child care agencies have been and often continue to be insensitive to the needs of native people. There has been a general lack of understanding of cultural values and of native attitudes towards child rearing.

The Chairman is satisfied that services to Treaty Indians on reserves are moving forward and will provide for the needs of children in a manner compatible with the best of native customs and traditions.

The relationship between the size of the agency and the nature of the services offered was evident to the Chairman again. This supports the action being taken to establish smaller agencies in the City of Winnipeg.

The Chairman would note the following impressions -

- the smaller the agency the more attention and resources seem to be directed toward preventive programs.
- in smaller agencies, major decisions affecting clients' lives appear to be made with all administrative levels participating. In the larger agencies, the worker, alone, seems to be responsible for decisions.
- in larger agencies, services are departmentalized resulting in fragmented service to child and family. Changes in workers exacerbates an already traumatic situation.
- the larger agencies appear to be more rigid in their application of standards and less likely to apply for a waiver of standards.
- smaller agencies seem more innovative, experimental and adaptive in meeting the needs of clients.
- in relation to special requests to the Director of Child and Family Services, smaller agencies appear to make such

Excerpt from Agency Interview Report

requests more frequently with the expectation of approval.

- in smaller agencies, the impression is conveyed that staff member and client are working on problems as equals.
- the larger agencies frequently see the solution to problems as being someone else's responsibility while the staff of smaller agencies tend to focus on what they themselves can do to resolve problems.
- in the larger agencies, there does not appear to be the necessary communication between all levels of staff; the right hand often does not know what the left hand is doing.
- in the smaller agencies, less difficulty in finding foster home resources is expressed.

It was not the intent of this study to examine the physical facilities of agencies. Conducting interviews on site, however, made the Chairman aware that agency space did not reflect the respect for privacy and confidentiality that must be shown. The Chairman would suggest that all agencies reexamine their offices with a view to providing interview space that is private, sound proof, and appropriately furnished and decorated. Clients should not be required to pass offices and large administrative areas to reach an interviewing room. The room should not have the sterile, antiseptic atmosphere of a doctor's examining room.

The agency interviews, and the findings resulting, reiterate the necessity to concentrate on the child's needs in assessing placement. The needs will vary depending on the child's age, maturity, history and cultural background. The last weapon of attack in custody disputes should be the adversary system. The function and role of an agency is to maintain a child in its own home but when removal is necessary to minimize the negative emotional consequences of that removal.

Agencies appear to have recognized the need for change, the need to accept differences in cultural mores, and behavior.

The first step in change is often the most difficult.

Excerpt from Agency Interview Report

ISSUES REPORT

Submitted to the Minister in September, 1984, this report contains the actual comments of persons making presentations to the Review Committee on the following topics:

- Native people and the child welfare system
- Placements in the U.S.A.
- Native children in care
- Apprehension of children
- Rights of children
- Rights of parents
- Rights of tribes
- Rights of sibling groups
- Urban/rural factors
- Native/non-Native placements
- Native/Native placements
- Subsidized adoption
- Placement procedures
- Standards for foster and adoption homes
- Common law/custom/traditional marriages
- Native child care agencies
- Off-Reserve resources

Notes on Issues Report

- Cultural factors
- Custom adoptions
- Confidentiality
- Long term foster care
- Relationship to the courts
- Group homes on Reserves

PRESENTATIONS TO THE REVIEW COMMITTEE ON INDIAN AND METIS ADOPTIONS AND PLACEMENT

PUBLIC HEARINGS

BRANDON
May 27th and 28th, 1982.

Michael Malzdrewicz, Westman Adoptive Parents Group

Isaac Beaulieu, Dakota Ojibway Child and Family Services

Maria Flett, Dakota Ojibway Child and Family Services

Linda Leach, Dakota Ojibway Child and Family Services

Eva McKay, Dakota Ojibway Child and Family Services

Ernest Smoke, Dakota Plains Reserve

Russ Rothnay & Janet Goertzen, Manitoba Metis Federation

Margaret Goodman, Children's Aid Society of Western Manitoba

Joseph Young, Native Alcohol Council of Manitoba

Art Wambidee, Dakota Ojibway Child and Family Services

Dr. Arthur Blue, Professor of Native Studies, Brandon University

THE PAS
June 21st, 1982.

Cindy Yaworski, Dept. of Community Services and Corrections

Bruce Unfried, Dept. of Community Services and Corrections

John Terry, The Pas Indian Band

Chief Charles Constant, The Pas Indian Band

Frank Whitehead, The Pas Indian Band

Lawrence Whitehead, The Pas Indian Band

BEAUSEJOUR
July 6, 1982.

Vladimir Ilnyckyj, Dept. of Community Services and Corrections

Joe Caulfield, Foster Parents and Childrens Organization

(Mrs.) Julie M. Mander, Foster Parents and Childrens Organization

THOMPSON
August 12, 1982.

Joanna Koblun, Thompson Foster Parents

Heather York, Thompson Native Women's Association

Jim Mair, Keewatin Tribal Council

Ron Fenwick and Gertrude Fields, Dept. of Community Services and Corrections

Edward Head, Manitoba Metis Federation

Bruce Hickey, Manitoba Metis Federation

DAUPHIN
August 25, 1982.

Ferdinand Guiboche, Manitoba Metis Federation

M. "Stevie" Wright, West Region Child and Family Services

Leah McCallum, Manitoba Foster Parents Association

Irene Jacques

Solomon McKay, Rolling River Indian Reserve

Chief Dennis Whitebird, Rolling River Indian Reserve

Rita Flamand Guiboche, Child Welfare Committee, Manitoba Metis Federation

Russell McDonald, Crane River Band

Chief Terry McDonald, Crane River Band

Dimi Kuzyk, Dauphin Friendship Centre

WINNIPEG
September 9, 10 and 16, 1982.

Lillian Morriseau, Indian Child Welfare Association

Ann Ross, Mount Carmel Clinic

Brad McKenzie and Pete Hudson of the School of Social Work

Lena Friesen and Josephine Whitehawk, Indian and Metis Friendship Centre

Edith Lorentz, Foster Parents Group

Giselle DeMontigny, Canadian Association for Support of Native People

Dennis Schellenberg and Dave Waters, Children's Aid Society of Eastern Manitoba

Gilbert Abraham

Esther Seidl, Four Nations Confederacy

Marvin Smoker

Len Vopnfjord, Collette Goerwell, Chris Buchel and Albert Gazan, Children's Aid Society of Winnipeg

Louise Champagne, Manitoba Metis Federation, Winnipeg Region

Peter Kelly-Kinew, First Chief of Ontario

Cathy Menard, Metis Women's Association

Donald Lugtig and Clark Brownlee, Manitoba Association of Social Workers

Ann Riley, Wayne Courchene and Abe Arnold, Association for Rights and Liberties

Barbara Robinson

Frank Courchene and Conrad Spence, Greater Winnipeg
Indian Council

Lena Friesen, Vicki Runearth, Marie Baker,
Cathy Mallet and Myrna Whitehawk,
Native Family Services

Linda Clarkson, Manitoba Metis Federation

Alex Quewezance

Chief Moses Tom

SPECIAL HEARINGS

THE PAS RESERVE
October 20, 1982.

Stephen Pranteau, The Pas Indian Band

Maria Flett, Swampy Cree Tribal Council

BROKENHEAD RESERVE
October 26, 1982.

Chief Jim Bear, Brokenhead Band

Southeast Child and Family Services, Gloria Bushe, Chairperson, Regional Committee and Myrtle Abraham, Treasurer, Regional Committee

Hollow Water Committee, Burma Bushie

Brokenhead Committee, Clifford Chief

Little Black River Committee, Mabel Harry

John Cowley, Sr., Hollow Water Elder

Roderick Raven, Hollow Water

Emma Bird, Little Black River

Myrtle Abraham, Little Black River

Ed Prince, Brokenhead, foster parent

Hazel Kent, Brokenhead, former foster child

Rose Bear, Brokenhead, Welfare Administrator and Counsellor

Carl Olson, Brokenhead, Alcohol Worker

Jack Prince, Brokenhead Committee member

Chief Jim Bear, Brokenhead, adoptive parent

PEGUIS RESERVE
November 5, 1982.

Chief Louis Stevenson, Peguis Chief and Council

William Clarence Thomas, Superintendent of Peguis School Board

Robert Daniels, Anishinaabe Child and Family Services

Shirley Murdock, Fisher River Child Welfare Committee

Richard Panson, Department of Community Services and Corrections, Interlake Region

Georgina Cote, Jackhead Band

W. G. Cochrane, Peguis Band Social Worker

Bruce Swan, Lake Manitoba Band

SANDY BAY RESERVE
November 22, 1982.

Isaac Beaulieu

ROSEAU RIVER RESERVE
November 25, 1982.

Chief Felix Antoine, Roseau River Indian Reserve

Muriel Smith, 11th Grade, Roseau River

Michelle James, 10th Grade, Ginew Demonstration School

Norma Tait, 10th Grade, Ginew Demonstration High School

Tom James, Jr.

Victor Pierre, Roseau River

Nelson James

Lawrence Henry, Roseau River Indian Band

Charles Nelson

Leonard Nelson

Millie Nelson, Roseau River DOCFS

Mary Chaskey for Arnold Fontaine,
Pritchard House Rehab Centre

Paul Roberts

Terry Nelson

David Sennie, 11th Grade, Ginew High School

LONG PLAIN RESERVE
January 4, 1983.

Rufus Prince

Harold and Judy Longclaws

Helen Prince, Foster Parent

Rev. Stuart Lyster, Long Plain Church

Rosalina Haines, Portage Friendship Centre Staff

Chief Ernie Daniels, Long Plain Band

James Hobson, Child Welfare Committee

Linda Daniels

Max Merrick

Dave Daniels

Jessie Longclaws

BERENS RIVER
January 5, 1983.

June Green for Chief Lester Everette

Mayor Chris McKay

Hilda Flett and Cathy Hudson, Berens River Local Child Care Team

Elizabeth Young, Bloodvein Child Welfare Committee

Violet Bruce, Poplar River Local Team

Charlie Keeper, Little Grand Rapids

Jerry Crowe, Pauingassi Child Welfare Committee

Alice Hudson

John McDonald

Jack Everett

Karen Everett

Alfred Disbrowe

Rene McKay

Isabel Young

Jacob Gibault

Jennifer Singh

William Semple

Hilda Flett

Gordon Bittern

CHURCHILL
February 10, 1983.

BRANDON
November 8, 1983

Grand Valley Local, Manitoba Metis Federation

Brandon Child Care Committee, Manitoba Metis Federation

ADDITIONAL BRIEFS RECEIVED

J. M. Bridgeman

Canadian Association in Support of Native Persons

Children's Aid Society of Central Manitoba

Churchill Health Centre

Department of Community Services and Corrections,
Dauphin District Office

Department of Community Services and Corrections,
Winnipeg Regional Office

E.H. Ellis, Ph.D., University of Manitoba, Faculty of
Medicine, Department of Psychiatry

Archbishop Adam Exner, Archdiocese of Winnipeg

The Right Reverend R.C. Ferris, Archbishop of Yukon

John H. King

Juanita and Calvin Kirby

M. Jocelyne Lafournaise

Norman Meade

Native Child and Family Services

Henry Neufeld

Parents of Adopted Native Children, Native Minister
Board, United Church of Canada

Sagkeeng Child and Family Services Inc.

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